

3.3 Cultural Resources and Tribal Cultural Resources

This section assesses the potential for the proposed project to materially damage or disturb cultural resources (historic architectural resources, prehistoric and historic-era archaeological resources, and human remains) and tribal cultural resources. The section describes the existing environmental setting for cultural resources; discusses the federal, state, and local regulatory framework; and evaluates potential significant impacts of the proposed project on cultural and tribal cultural resources. Feasible mitigation measures are identified to avoid or minimize potentially significant impacts on these resources to the extent feasible.

The analysis used applicable information from the *San Jose Waterworks (SJW) Land Company Planned Development Rezoning Final Integrated EIR*¹ (2004) and Addendum (2016), the *Diridon Station Area Plan EIR* (2014), the *Baseball Stadium in the Diridon Area Draft EIR* (2006), and the *Downtown Strategy 2040 Integrated Final EIR* (2018). These data sources were supplemented by additional research using information from the California Historical Resources Information System, historic map research, and additional technical analysis as presented in **Appendix E1**.

3.3.1 Environmental Setting

Definitions

The term *cultural resource* describes historic architectural resources (also referred to as the *built environment*); archaeological sites (both prehistoric and historic-era) consisting of material evidence of past human use of the landscape; and tribal cultural resources as places of importance to Native American tribes.

Historic architectural resources include buildings, structures, objects, and historic districts. Residences, cabins, barns, military-related features, industrial buildings, and bridges are examples of historic resources. The CEQA Guidelines define a historical resource as:

- (1) A resource in the California Register of Historic Resources (California Register);
- (2) A resource included in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or
- (3) Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California—provided the lead agency’s determination is supported by substantial evidence in light of the whole record.

¹ This project is also known as the Delmas Avenue Mixed Use Development.

The City of San José Historic Resources Inventory (HRI) was established to identify historic resources of varying significance.² It includes properties listed on or eligible for the National Register of Historic Places (National Register) and California Register, as well as those listed as or eligible for listing as City Landmarks/Districts, Candidate City Landmarks/Districts, Structures of Merit, and Identified Sites/Structures. City Landmarks are those properties that have “historical, architectural, cultural, aesthetic or engineering interest or value of a historical nature.”³ Structures of Merit and Identified Sites/Structures are considered of lesser historic significance, as defined in the *Envision San José 2040 General Plan* (General Plan), but do not meet the criteria for City Landmark or Candidate City Landmark status as set forth in San José Municipal Code Chapter 13.48. Only City Landmarks and Districts, Candidate City Landmarks and Districts, and their contributors are considered historical resources under CEQA because all are defined with locally adopted criteria listed in City Historic Preservation Ordinance Chapter 13.48. (The City Landmark designation also includes National Register– and California Register–listed and eligible properties.) Identified Sites/Structures and Contributing Sites/Structures outside of City Landmark and Candidate Landmark Districts are classifications of the HRI that may require additional research and evaluation to determine specific areas significance and levels of eligibility.

Archaeological resources include both prehistoric and historic-era archaeological resources. Prehistoric archaeological resources consist of village sites, temporary camps, lithic scatters, roasting pits/hearths, milling features, petroglyphs, rock features, and human burials. Associated artifacts include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs). Historic-era archaeological resources include town sites, homesteads, agricultural or ranching features, mining-related features, refuse concentrations, and features or artifacts associated with early military and industrial land uses. Associated artifacts include stone, concrete, or adobe footings and walls; artifact-filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If a lead agency determines that an archaeological site is a historical resource, the provisions of PRC Section 21084.1 and CEQA Guidelines Section 15064.5 regarding historical resources would apply (as described in Section 3.3.2, *Regulatory Framework*). If an archaeological site does not meet the CEQA Guidelines criteria for a historical resource, the site may still meet the threshold of PRC Section 21083.2 regarding unique archaeological resources.

Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed, or determined to be eligible for listing, in the national, state, or local register of historical resources (CEQA Section 21074(a)(1)).

² The HRI is not a complete list of all historic resources in San José. It was last comprehensively updated in 2016 and is updated on a parcel-by-parcel basis through individual, project-based review. Parcels not listed on the HRI may qualify for listing upon further analysis and review.

³ City of San José, City of San José Municipal Code Section 13.48.020(A).

Natural and Cultural Context

Natural Environment

The city of San José is in the northwestern part of the Santa Clara Valley, at the south end of San Francisco Bay. The hills surrounding the Santa Clara Valley are the source of many perennial streams, which extend from the hills to the bay. The project site is situated approximately 100 feet above mean sea level and is approximately 7 miles south of the bay shoreline.

The project vicinity contains an abundance of natural resources, which would have been used by its prehistoric and early historic-era populations. The South Bay area hosts a wide variety of natural communities including salt marsh, scrub brush, grassland, and foothill woodlands. Deer, elk, and waterfowl were plentiful in prehistory, as were marine and bay resources such as seals, otters, abalone, mussels, oysters, clams, and numerous fish species. Franciscan chert was an easily obtainable local raw material for stone tools. Obsidian for tools could be obtained from quarries to the north.⁴

Geological Setting

The San Francisco Bay Area, including the Santa Clara Valley, has undergone dramatic landscape changes since humans began to inhabit the region more than 13,000 years ago. Sea levels began rising about 15,000 years ago, at which time the coastline was located west of the Farallon Islands, and reached the present level of the bay about 5,000 years ago.

This dramatic change in stream base level resulted in increased deposition of sediment along the lower reaches of Bay Area streams, a condition that was exacerbated during the Gold Rush. In many places, the interface between older land surfaces and newer stream deposits (those less than 5,000 years old) is marked by a well-developed buried soil profile, or *paleosol*. Paleosols preserve the composition and character of the earth's surface before the sediment deposition; thus, paleosols may preserve archaeological resources if humans occupied or settled the area.

Because human populations have grown since the arrival of the area's first inhabitants, younger paleosols (late Holocene) are more likely to yield archaeological resources than older paleosols (early Holocene or late Pleistocene). Numerous deeply buried archaeological sites have been uncovered in the Santa Clara Valley, at depths varying between 1 foot and more than 10 feet below ground surface (bgs). In fact, more than 60 percent of recorded archaeological sites in this region have been found in a buried context.⁵

Prehistoric Background

Categorizing the prehistoric period into cultural stages allows researchers to describe a broad range of archaeological resources with similar cultural patterns and components during a given time frame, thereby creating a regional chronology. In 2007, Randall Milliken and others

⁴ Moratto, M. J., *California Archaeology*. New York: Academic Press, 1984.

⁵ Meyer, J., and J. Rosenthal, *Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4*. Prepared for California Department of Transportation, District 4, Oakland, June 2007.

provided a framework for interpreting the San Francisco Bay Area in four periods: the Paleoindian Period, the Early Period, the Middle Period, and the Late Period.⁶ Economic patterns, stylistic aspects, and regional phases further subdivide these periods into shorter phases. This framework uses economic and technological types, socio-politics, trade networks, population density, and variations of artifact types to differentiate between cultural periods.

The Paleoindian Period (11500–8000 B.C.) was characterized by big-game hunters occupying broad geographic areas. Evidence of human habitation during the Paleoindian Period has not yet been discovered in the San Francisco Bay Area. During the Early Period (Lower Archaic; 8000–3500 B.C.), geographic mobility continued from the Paleoindian Period and is characterized by the millingslab and handstone, and by large wide-stemmed and leaf-shaped projectile points.

The first cut shell beads and the mortar and pestle are documented in burials during the Early Period (Middle Archaic; 3500–500 B.C.), indicating the beginning of a shift away from mobility to a practice of remaining in one location over time.

During the Middle Period—which consists of the Lower Middle Period (Initial Upper Archaic; 500 B.C.–A.D. 430) and Upper Middle Period (Late Upper Archaic; A.D. 430–1050)—geographic mobility may have continued, although groups began to establish longer term base camps in localities from which a more diverse range of resources could be exploited. The first rich black middens are recorded from this period. The addition of milling tools and obsidian and chert concave-base projectile points, and the occurrence of sites in a wider range of environments suggest that the economic base was more diverse. By the Upper Middle Period, mobility was being replaced by the development of numerous small villages. Around 1370 B.C., a cultural disruption occurred, evidenced by the sudden collapse of a trade network in beads.

During the Initial Late Period (Lower Emergent; A.D. 1050–1650), social complexity developed toward lifeways of large, central villages with resident political leaders and specialized activity sites, which are locations where archaeological sites may be discovered. Artifacts associated with the period include the bow and arrow, small corner-notched projectile points, and a diversity of beads and ornaments.

Ethnohistoric Background

Based on a compilation of ethnographic, historic, and archaeological data, Milliken describes a group known as the Ohlone, who once occupied the general vicinity of the project site.⁷ Although traditional anthropological literature portrayed the Ohlone peoples as having a static culture, today it is better understood that many variations of culture and ideology existed within and between villages. Although these static descriptions of separations between native cultures of California make it easier for ethnographers to describe past behaviors, they mask Native adaptability and self-identity. California's Native Americans never saw themselves as members

⁶ Milliken, R., R. Fitzgerald, M. Hylkema, R. Groza, T. Origer, D. Bieling, A. Leventhal, R. Wiberg, A. Gottsfeld, D. Gillette, V. Bellifemine, E. Strother, R. Cartier, and D. A. Fredrickson, *Punctuated Culture Change in the San Francisco Bay Area*, in *California Prehistory: Colonization, Culture, and Complexity*, ed. T. L. Jones and K. A. Klar, Chapter 8, Lanham, Maryland: Altamira Press, 2007.

⁷ Milliken, R. T., *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769–1810*, Ballena Press Anthropological Papers, No. 43. Menlo Park, CA: Ballena Press, 1995.

of larger cultural groups, as described by some anthropologists. Instead, they saw themselves as members of specific villages, perhaps related to others by marriage or kinship ties, but viewing the village as the primary identifier of their origins.

Richard Levy describes the language group spoken by the Ohlone, known as “Costanoan.”⁸ This term is originally derived from a Spanish word designating the coastal peoples of Central California. Today “Costanoan” is used as a linguistic term that refers to a larger language family spoken by distinct sociopolitical groups that spoke at least eight languages (as different as Spanish is from French) of the same Penutian language group. The Ohlone once occupied a large territory from San Francisco Bay in the north to the Big Sur and Salinas Rivers in the south. Milliken sets the project site within the greater *Tamien* tribal area in Santa Clara Valley.

Economically, Ohlone engaged in hunting and gathering. Their territory encompassed both coastal and open valley environments that contained a wide variety of resources, including grass seeds, acorns, bulbs and tubers, bear, deer, elk, antelope, a variety of bird species, and rabbit and other small mammals. The Ohlone acknowledged private ownership of goods and songs, and village ownership of rights to land and/or natural resources; they appear to have aggressively protected their village territories, requiring monetary payment for access rights in the form of clamshell beads.⁹ After European contact, Ohlone society was severely disrupted by missionization, disease, and displacement. Today, Ohlone representatives still have a strong presence in the San Francisco Bay Area and are highly interested in their historic and prehistoric past.

Historical Background¹⁰

Spanish Exploration and Colonialization of the Santa Clara Valley, 1769–1810

Spanish exploration of the Santa Clara Valley began with the Portola Expedition of 1769. Led by Gaspar de Portola, the company of 64 men was charged with settling Monterey Bay when they overshot their intended target and instead established a base camp in the San Pedro Valley near present-day Pacifica. Shortly thereafter, searches for suitable permanent settlements in the San Francisco Bay region began in earnest.

In 1776, Juan Bautista de Anza and Fray Pedro Font proposed a location on the banks of a river they named the *Nuestra Señora de Guadalupe* (Our Lady of Guadalupe) within the boundaries of modern-day San José. By early 1777, the new Mission Santa Clara de Asís was established on the west bank of the Guadalupe River near the present-day boundary between the cities of San José and Santa Clara (approximately 2 miles northwest of the project site). By the end of 1777, 66 settlers—including 9 retired Spanish soldiers and 51 women—established El Pueblo de San José de Guadalupe across the river from the mission. By 1797, the pueblo was relocated to an

⁸ Levy, R. S., Costanoan, in *California*, ed. R. F. Heizer, 485–495. *Handbook of North American Indians*, Vol. 8, gen. ed. W. C. Sturtevant. Washington, DC: Smithsonian Institution, 1978.

⁹ Levy, R. S., Costanoan, in *California*, ed. R. F. Heizer, 485–495. *Handbook of North American Indians*, Vol. 8, gen. ed. W. C. Sturtevant. Washington, DC: Smithsonian Institution, 1978.

¹⁰ Unless otherwise noted, all dates and contextual information are summarized from Architectural Resources Group, *Preliminary Draft Historic Context: Downtown West Mixed-Use Plan*, June 2020. Refer to Appendix E1 for citations and more in-depth discussion.

area roughly bounded by San Pedro Street to the west, St. John Street to the north, Market Street to the east, and San Carlos Street to the south.

Unpaved trails that served as the major transportation routes through the Santa Clara Valley include El Camino Real, which connected the mission and pueblo at San José to the presidios at Monterey to the south and San Francisco to the north. The modern-day streets known as The Alameda (Spanish for “tree-lined avenue”) and West Santa Clara Street were segments of El Camino Real that connected the mission and pueblo, and they remain important urban arteries in modern San José.

Mexican Period, 1810–1846

The Spanish colony of Mexico declared war against Spain in 1810, and Mexico won its independence in 1821. By the end of April 1822, all of California had come under Mexican governance. Under a policy that ordered the colonization of vacant lands, much of the Santa Clara Valley (which included mission lands and the now separate and secularized pueblo lands) was allocated to 38 private land grants known as *ranchos* between 1833 and 1845. The project site includes land that was originally part of the Rancho El Potrero de Santa Clara and Rancho Los Coches. In 1847, Spanish-born Antonio Maria Sunol acquired Rancho Los Coches from Roberto Balermينو. These lands were then subdivided in the late 19th century to become the “Sunol Addition” to San José.

By 1835, while California was still under Mexican governance, only 40 members of San José’s population of 700 were foreign-born, and of these, most were Americans or English. By 1845, an influx of American immigrants had increased the city’s population to 900, dramatically altering the population demographics of San José.

Early American Period, 1846–1860s

The Mexican-American War began in May 1846. The war officially ended in February 1848 with the signing of the Treaty of Guadalupe Hidalgo, which ceded much of Alta California from Mexico to the United States. On March 27, 1850, California Governor Peter Burnett incorporated the City of San José with boundaries that were generally defined as:

... beginning on the east bank of the Coyote river [Coyote Creek], two miles south of the center of Washington Square in the Pueblo of San José, and running due west to the west bank of the San José river [Guadalupe River]; thence following down the bank of said river to a point four miles distant in a straight line; thence due east to the east bank of the Coyote river; thence up the said bank to the place of beginning.¹¹

California, which had experienced a rapid increase in population beginning in 1848 as a result of the Gold Rush, was granted statehood on September 9, 1850. Santa Clara County was one of 27 counties created by the new state legislature, and San José was selected as the first state capital.

¹¹ Quoted in Arbuckle, C., *History of San José, San José, California: Memorabilia of San Jose*, 1986, page 27. Refer to Appendix E1.

During the subsequent two decades, Santa Clara County became connected by rail first to the larger Bay Area region (via the San Francisco & San José Railroad), and later to the country (via the Central Pacific Railroad, which connected San José with the Transcontinental Railroad). The railroads further increased the county's population, which led to intensified agricultural production, development of many towns along transportation routes, and the division of large land holdings.

Mid to Late 19th Century, 1840–1899

The fertile Santa Clara Valley and the region's desirable climate attracted farmers and ranchers with a variety of agricultural interests. Cattle ranching in rural areas was a major industry in the years following California's statehood. Wheat produced in Santa Clara County amounted to 30 percent of the state's total yield, and barley and oats were other important crops. Stone fruit orchards—specifically plums, apricots, and cherries—replaced many grain fields by the turn of the 20th century.

San José's early industrial tradesmen included blacksmiths and wagon makers, whose numbers grew from a single blacksmith in 1840 to 52 blacksmiths and 17 carriage and wagon shops in 1875. These light industrial operations produced agricultural tools, machines, and other equipment.

San José's growing commerce and industry was balanced by several residential subdivisions within the present-day project site, which at the time was still located just outside of the official city boundaries. Streets were shared by cottages, ice works, hay warehouses, grocers, and saloons. Subdivisions within the project site included Bradlee's Subdivision (approximately bounded by Cinnabar, Montgomery, and Julian Streets and Senter Road); Froment Survey (approximately bounded by West St. John, West Santa Clara, and Montgomery Streets and the Guadalupe River); Delmas Survey (an L-shaped subdivision approximately bounded by West Santa Clara Street, the Guadalupe River, the creek just south of West San Fernando Street, and the west side of Delmas Avenue); Lake House; and Sunol Addition (approximately bounded by Park Avenue, the Guadalupe River and Delmas Avenue, I-280, and Los Gatos Creek).

To the north of the project site was the Scull Tract. This tract appears on the 1876 atlas map as a single property bordered by present-day West St. John Street to the north, North Autumn Street to the west, the Froment Survey to the south, and the Guadalupe River to the east. It is just northeast of the fork between the Guadalupe River and Los Gatos Creek and is part of the modern-day park.¹² To the south of the project site was the Prevost Survey. This tract is pictured in the 1876 Thompson & West atlas as an irregularly shaped survey area that extends from slightly north of West San Carlos Street to just south of West William Street, between the Guadalupe River (east) and Delmas Avenue. It crosses Delmas Avenue from north to south to form the irregular tract.¹³

¹² Thompson & West, *City of San Jose, First Ward*. San Francisco, CA: Thompson & West, 1876.

¹³ Thompson & West, *City of San Jose, First Ward*. San Francisco, CA: Thompson & West, 1876. Refer to Appendix E1 for more in-depth descriptions of the early subdivisions in the project vicinity.

Within the study area, historic resources related to this time period include:¹⁴

- The Lakehouse Historic District (Landmark District) and Contributors:
 - 131 Gifford Avenue (Assessor’s Parcel Number [APN] 259-18-023)—Currllin Residence (circa [ca.] 1892)
 - 137 Gifford Avenue (APN 259-18-024)—Stojanovich Residence (ca. 1893)
 - 149 Gifford Avenue (APN 259-18-026)—Gunn Residence (ca. 1892)
 - 155 Gifford Avenue (APN 259-18-027)—Lewis Residence (ca. 1892)
 - 163 Gifford Avenue (APN 259-18-028)—Wilson Residence (ca. 1898)
 - 169 Gifford Avenue (APN 259-18-029)—Hartung Residence (ca. 1896)
 - 398 West San Fernando Street (APN 259-45-029)—Owen House (ca. 1888)
 - 396 West San Fernando Street (APN 259-45-029)—Chiappe House (ca. 1891)
 - 394 West San Fernando Street (APN 259-45-029)—Frolich-Maynard House (ca. 1889)
 - 446 West San Fernando Street (APN 259-45-029)—Ferrell House #1 (ca. 1892)
 - 436 West San Fernando Street (APN 259-45-029)—Dufie-Aguirre House (ca. 1885)
 - 416 West San Fernando Street (APN 259-45-055)—Parks-Rae House (1899)
 - 125 Gifford Avenue (APN 259-48-049)—Lutzen/Carro Residence (ca. 1892)
- 559 West Julian Street (APN 259-27-009)—residence (ca. 1883)*
- 563 West Julian Street (APN 259-27-009)—residence (ca. 1894)*
- 567 West Julian Street (APN 259-27-009)—residence (ca. 1892)*
- 237 North Autumn Street (APN 259-29-021)—Dennis Residence (1870)
- 203 North Autumn Street (APN 259-29-023)—residence (1893)

Early 20th Century, 1900–1930s

The first decades of the 20th century saw the project site fully incorporated into the City of San José. Incorporation began in the southern part of the project site with annexation of the hamlet of Gardner in 1911, followed in 1924 by annexation of the Stockton District to the north. The White Street District, including the Cahill Station area (present-day Diridon Station), was also annexed in 1924.

The mixed-use character of neighborhoods on the project site continued to develop through the 1920s. Manufacturers of heavy agricultural equipment curtailed operations, and new companies manufactured fruit processing and packaging machinery. By the 1920s, many successful companies, such as the Kearney Pattern Works and Foundry, had grown or been acquired by similar operations. They were supported by expansion of utility operations in the area including light, gas, and water works facilities.

¹⁴ * indicates that this historic resource is located on the project site.

The early 20th century also saw the peak of agricultural development throughout the Santa Clara Valley, which was known around the world as the Valley of Heart's Delight. Fruit production came to dominate the regional economy. As a regional transportation hub, San José served as a central location for processing and shipment of orchard products. These industries and businesses spread along the railroad tracks throughout the project site.

Before the onset of the Great Depression in 1929, 38 canneries and 13 fruit packing plants operated in Santa Clara County, with many located in San José. The stock market crash acutely affected the agriculture industry, in which California played a major international role. There was a low demand for canned and preserved fruit around the world, which drastically reduced imports of California produce. Displaced farmers from the Great Plains traveled to California, where they joined a local workforce that was facing low wages, high unemployment, poor job security, and substandard working conditions. The labor movement of the 1930s was born out of this unrest, and union membership and related activism increased substantially during the Depression years. By the end of the 1930s, all San José canneries were unionized.

During the Depression era, the Richmond-Chase Company, Greco Canning Company, and California Packing Corporation (Calpak) operated large fruit processing facilities adjacent to the project site. A small farmers' cooperative named Orchard Supply Hardware was established in San José in 1931. It comprised approximately 30 horticulturists who lent and borrowed farming equipment, and this network helped to ease economic hardships. Orchard Supply Hardware operated out of warehouses before opening several retail locations in the post-war era, including a store on the project site at 720 West San Carlos Street in 1946.

Larger scale and more architecturally distinguished buildings were constructed on the project site during the Depression. These included the Southern Pacific Railroad (SPRR) depot, which was constructed in the early 1930s in conjunction with relocation of the railroad tracks to the west side of the city.

Within the study area, historic resources related to this time period include:¹⁵

- 160 North Montgomery Street (APN 259-29-004)—residence (ca. 1900)
- 199 North Autumn Street (APN 259-29-024)—residence (1900)
- 195 North Autumn Street (APN 259-29-025)—residence (1910)
- 374 West Santa Clara Street (APN 259-38-128)—San Jose Water Company (1934/1940)*
- 65 Cahill Street (APN 261-34-020)—Southern Pacific Depot Historic District/Diridon Station (1935)*
- 40 South Montgomery Street (APN 259-38-029)—Kearney Pattern Works and Foundry (1922)
- 145 South Montgomery Street (APN 259-35-027)—Sunlite Baking Company (1936)*
- 150 South Montgomery Street (APN 259-48-053)—Hellwig Iron Works (ca. 1935)*

¹⁵ * indicates that this historic resource is located on the project site.

- The Lakehouse Historic District (Landmark District) and Contributors:
 - 420 West San Fernando Street (APN 259-45-029)—New Lake House Cottage (ca. 1924)
 - 410 West San Fernando Street (APN 259-45-056)—Graham House (1901)
 - 119 Delmas Avenue (APN 259-45-059)—Gagliardo House (ca. 1900)
 - 124 Delmas Avenue (APN 259-45-095)—Brohaska/Dalis Residence (1911)
 - 454 West San Fernando Street (APN 259-48-019)—Arata House (1911)
 - 117 Gifford Avenue (APN 259-48-048)—Carto Court (1925)

World War II, 1939–1945

After the Great Depression, the Santa Clara Valley’s fruit industry regained some of its former robustness. The local economic resurgence was also influenced by the widespread presence of military personnel, training facilities, and wartime production during World War II that came about from the Bay Area’s proximity to the Pacific theater. During this time, industrial plants were built in the cities of Sunnyvale and Santa Clara where marine engines and landing craft were constructed, and lucrative defense contracts supported the region’s burgeoning electronics and manufacturing industries.

The San José–based Food Machinery and Chemical Corporation (which produced amphibious tanks) and the Joshua Hendy Iron Works in Sunnyvale (which produced engines and weapons parts for naval ships) were the two largest wartime defense contractors in Santa Clara County. These companies won contracts during the war totaling \$289 million. Wartime activities and the burgeoning population would lead to significant physical, social, and economic changes in San José and the greater Santa Clara Valley during the post-war era.

Within the study area, historic resources related to this time period include:¹⁶

- 40 South Montgomery Street (APNs 259-38-028 and 259-38-029)—Kearney Pattern Works and Foundry Additions (ca. 1932 and 1948)*
- 343 North Montgomery Street (APN 259-27-014)—Advance Metal Spinning (1941)*
- 345 North Montgomery Street (APN 259-27-015)—Circus Ice Cream (1944)*

Post-war Development, 1945–1960s

The Santa Clara Valley experienced rapid, diversified economic growth in the post-war years. Driven by an increasing number of military defense contracts issued to local businesses during the Cold War (which began in 1947), the region’s commercial activities shifted away from agriculture to manufacturing and electronics. The once-prevalent orchards were replaced by industrial parks and other residential and commercial development to accommodate the influx of people attracted by the region’s rapidly expanding economy and availability of land.

¹⁶ * indicates that this historic resource is located on the project site.

Aggressive development was aided by the actions of pro-growth public officials like San José City Manager Anthony P. “Dutch” Hamann, who facilitated 1,419 annexations between 1950 and 1969; real estate developers who built hundreds of new subdivisions in previously unincorporated areas and former agricultural land; and private homebuilders. In addition to a 467 percent population increase between 1950 and 1970, the physical footprint of San José expanded from approximately 17 square miles to nearly 137 square miles during the same period.

In line with national trends, the number of automobiles proliferated, resulting in traffic jams on congested freeways, long commutes, and the noticeable presence of smog. Freeways and major arterials were constructed in the 1950s and 1960s to improve accessibility and manage the increased volume of cars. This construction effectively carved up old neighborhoods and former agriculture fields and paved them with asphalt. The project site is located within the loop created by State Route (SR) 87 (Guadalupe Freeway), Interstate 280 (which connects San José to San Francisco), and Interstate 880. While all these highways were constructed over many years and across several decades, all were begun in the post-war period to address the growing reliance on automobile transportation.

Within the study area, historic resources related to this time period include:¹⁷

- 105 South Montgomery Street (APNs 261-35-003 and 261-35-010)—Stephen’s Meat Products Sign (ca. 1948)*
- 580 Lorraine Avenue (APN 259-47-040)—Democracy Hall (1961)*

Contemporary Era, 1970–Present

By 1970, most of the valley’s fruit orchards had been replaced by urban sprawl, and the region had transformed from an agricultural economy to a technology center. The name “Silicon Valley” was coined by a journalist in 1971, referring to the region’s high production of silicon chips. Manufacturers and developers of electronics, scientific instruments, machines, and computer software took the lead in the region’s economy, followed by business, health, and engineering services. By 1990, San José had surpassed San Francisco as the Bay Area’s most populous municipality. By 2000, San José’s population numbered nearly 900,000 and was 36.0 percent non-Hispanic white, 30.2 percent Hispanic, 27.3 percent Asian or Pacific Islander, 3.5 percent African American, and 0.8 percent Native American.¹⁸

Beginning in 1969, San José’s policy of aggressive annexation that had defined the post-war period advanced to a new policy of urban redevelopment and revitalization. A redevelopment agency was established in 1956, and the San José City Council would take a more active role in redevelopment efforts beginning in the 1970s. Between 1979 and 1999, more than \$2 billion was invested into development in and around Downtown San José that included new hotels, convention facilities, museums, theaters, housing, commercial buildings, and public spaces.

¹⁷ * indicates that this historic resource is located on the project site.

¹⁸ Bay Area Census, City of San Jose, Santa Clara County. Available at <http://www.bayareacensus.ca.gov/cities/SanJose70.htm>. Accessed December 30, 2019.

Major development has continued in recent decades. During the 1970s and 1980s, most commercial and industrial development occurred in northern San José, which drew workers away from residential suburbs and Downtown. Beginning in 1984, a countywide sales tax raised funds for investments in roads and public transit throughout Santa Clara County. Approval of a \$100 million sports complex in Downtown San José was approved in 1988, and the San José Arena (later named the HP Pavilion and currently the SAP Center) was constructed near the center of the project site in the early 1990s. The 3-mile-long Guadalupe River Park and Gardens was developed north of the project site between 1992 and 2005.

Electronics and technology have remained the region's most prominent industries. As part of a public relations campaign to recruit high-tech companies, San José named itself "the capital of Silicon Valley" in 1988. By 1994, more than 3,650 technology companies were located within 30 miles of Downtown San José, many of which were located within San José city limits.

Within the study area, there are no historic resources associated with this time period.

Existing Cultural and Historical Setting

For the purposes of CEQA, the following analysis uses a historic architectural study area of the project site plus 200 feet.¹⁹

Historic Architectural Resources

The CEQA Guidelines (Section 15064.5(a)) define a *historical resource* as:

- (a) A resource listed in, or determined to be eligible by the State Historic Resources Commission, for listing in the California Register;
- (b) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or
- (c) Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

In addition, Section 15064.5(a)(4) states that:

[T]he fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to PRC Section 5020.1(k)), or identified in an historical resources survey (meeting the criteria in PRC Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

¹⁹ The 200-foot radius was identified by the City of San José and is consistent with general CEQA methodologies undertaken in the city as the area in which an impact may occur.

Following the CEQA Guidelines, the City of San José considers properties to be historical resources under CEQA if they are listed or meet the criteria for listing in the National Register and/or the California Register. City Landmarks, Candidate City Landmarks, City Landmark Districts, Candidate City Landmark Districts, and contributors to City and Candidate City Landmark Districts, because they are defined in the City's Historic Preservation Ordinance (Section 13.48).

Structures of Merit, Identified Sites/Structures, Conservation Areas, and Contributing Sites/Structures that fall outside City Landmark and Candidate City Landmark Districts, as defined in the City of San José *Downtown Strategy 2040 Integrated Final Environmental Impact Report* (Final EIR), contribute to the historic fabric of the city and are eligible for inclusion on the City's Historic Resource Inventory. These resources are of lesser significance. Therefore, they are not considered historical resources under CEQA, and impacts on these categories of resources are not analyzed in this document.²⁰

All age-eligible buildings in the project area were evaluated for eligibility for listing on the national, state, and local registers. While not historic resources for the purposes of CEQA, this study included evaluation for eligibility on the HRI as Structures of Merit or Identified Sites/Structures. Refer to Appendix E1 for the individual assessments and survey findings.

Background Research

The Historic Resource Technical Report (Appendix E1) was prepared by Architectural Resources Group (ARG) for this project. To complete the confirmation of eligibility of previously identified historic architectural resources and analysis of age-eligible resources, ARG did all of the following:

- Conducted site visits to examine and photograph the project site and surroundings in September 2019;
- Consulted the City of San José's online permit portal to review building permit records regarding properties on the project site;
- Reviewed recorded construction dates for properties within the project site on file at the Santa Clara County Office of the Assessor;
- Conducted archival research at local repositories, including History San José and the California Room at San José State University;
- Reviewed online repositories, including Newspapers.com, Ancestry.com, the California Digital Newspaper Collection, *Mercury News* (San José) archives, the *San Francisco Chronicle* Historical Database, the Online Archive of California, the Internet Archive, the U.S. Geological Survey EarthExplorer, and the David Rumsey Map Collection;
- Reviewed documents regarding the City of San José's preservation policies, including the City's Historic Preservation Ordinance (Municipal Code Chapter 13.48), the General Plan, and the City's Historic Resources Inventory;

²⁰ City Landmarks and Candidate City Landmarks and Districts are subject to nomination and review procedures as set forth in the San José Municipal Code Historic Preservation Ordinance (Chapter 13.48). The HRI includes a number of resources that contribute to the general character of San José but that do not meet the criteria set forth in the ordinance. Therefore, only those resources recognized as City Landmarks or Candidate City Landmarks are considered historic resources for the purposes of CEQA.

- Reviewed extensive historical documentation and numerous prior evaluations pertaining to properties on the project site; and
- Identified listed known historical resources under CEQA (National Register–listed, California Register–listed, and City Landmark–designated historic resources and districts) on the project site and within a 200-foot radius of the project site (i.e., within the historic architectural resource study area).

To support ARG’s work, the cultural resources staff at Environmental Science Associates initiated a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System, which was completed on August 23, 2019 (File No. 19-0347). The records search included a review of previous studies, records, and maps on file at the NWIC for the project site and a surrounding half-mile radius. The records search included a review of the California Office of Historic Preservation’s Historic Properties Directory, with summary information from the National Register, California Register, Registered California State Landmarks, California Historic Points of Interest, and Archaeological Determinations of Eligibility. This records search was augmented by supplementary research and information provided by the City. For historic architectural resources and potential resources located within the study area but outside the project boundary, ARG and Environmental Science Associates reviewed prior evaluations and conducted a visual inspection of the properties to verify continued eligibility as indicated by the current City HRI status. In addition, the City conducted additional reconnaissance-level surveying to confirm and/or modify current HRI status.

Previously identified historic architectural resources (at all levels of historical significance) and resources of lesser significance that do not qualify as historical resources under CEQA were identified on the project site. All of these resources were considered for further assessment to determine or confirm whether they qualify as historical resources under CEQA for purposes of this analysis (Appendix E1). Existing documentation, including evaluations completed for previous cultural surveys and studies, was reviewed and the assessments were updated as needed.

As a result of these efforts, 36 historical resources under CEQA were identified in the study area. These resources are summarized in **Table 3.3-1** and shown on **Figure 3.3-1**. Of these resources, nine are within the project site and 27 are located outside the project site but within the study area (i.e., the project site plus a 200-foot radius).

Of the 27 located off the project site but within the larger study area, 23 were determined or confirmed through intensive survey to be eligible for listing in the National Register, California Registers, City Landmarks, Candidate City Landmarks, or contributors to a City Landmark District. Four properties were determined by the City to be eligible for Candidate City Landmarks status through a reconnaissance-level survey.²¹

²¹ Juliet Arroyo, (former) Historic Preservation Officer, City of San José, email, March 2, 2020.

**TABLE 3.3-1
HISTORICAL ARCHITECTURAL RESOURCES UNDER CEQA IN THE STUDY AREA**

APN	Address	Resource Name (Date)	Status	Source
		Lakehouse Historic District ^d	City Landmark District ^c	DPR (2006)
259-18-023	131 Gifford Avenue	Curlin Residence (ca. 1892)	Lakehouse Historic District Contributor ^c	DPR (2006)
259-18-024	137 Gifford Avenue	Stojanovich Residence (ca. 1893)	Lakehouse Historic District Contributor ^c	DPR (2006)
259-18-026	149 Gifford Avenue	Gunn Residence (ca. 1892)	Lakehouse Historic District Contributor ^c	DPR (2006)
259-18-027	155 Gifford Avenue	Lewis Residence (ca. 1892)	Lakehouse Historic District Contributor ^c	DPR (2006)
259-18-028	163 Gifford Avenue	Wilson Residence (ca. 1898)	Lakehouse Historic District Contributor ^c	DPR (2006)
259-18-029	169 Gifford Avenue	Hartung Residence (ca. 1896)	Lakehouse Historic District Contributor ^c	DPR (2006)
259-27-009^a	559 W. Julian Street 563 W. Julian Street 567 W. Julian Street	(ca. 1883) (ca. 1894) (ca. 1892)	Candidate City Landmark^b	ARG (2020)
259-27-014	343 N. Montgomery Street	Advance Metal Spinning (1941)	Candidate City Landmark^b	ARG (2020)
259-27-015	345 N. Montgomery Street	Circus Ice Cream (1944)	Candidate City Landmark^b	ARG (2020)
259-29-004	160 N. Montgomery Street	(ca. 1900)	Candidate City Landmark	City of San José
259-29-021	237 N. Autumn Street	Dennis Residence (1870)	NR/CR eligible, ^b City Landmark ^c	DPR (2005)
259-29-023	203 N. Autumn Street	(1893)	Candidate City Landmark	City of San José
259-29-024	199 N. Autumn Street	(1900)	Candidate City Landmark	City of San José
259-29-025	195 N. Autumn Street	(1910)	Candidate City Landmark	City of San José
259-35-027	145 S. Montgomery Street	Sunlite Baking Co. (1936)	NR/CR eligible,^b Candidate City Landmark^b	ARG (2020)
259-38-010^a/ 259-38-011/ 259-38-028/ 259-38-029	55 S. Autumn Street 57 S. Autumn Street 40 S. Montgomery Street	Kearney Pattern Works and Foundry (1922, ca. 1950s and ca. 1993 expansion)	NR/CR eligible,^b Candidate City Landmark^b	ARG (2020)
259-38-128	374 W. Santa Clara Street	San Jose Water Works (1934–1940)	NR/CR eligible,^b City Landmark^c	ARG (2020)
259-45-029	398 W. San Fernando Street	Owen House (1888)	NR/CR Eligible, ^b Lakehouse Historic District Contributor ^c	A&A (2006)
259-45-030	396 W. San Fernando Street	Chiappe House (1891)	NR/CR Eligible, ^b Lakehouse Historic District Contributor ^c	A&A (2006)
259-45-031	394 W. San Fernando Street	Frolich-Maynard House (ca. 1889)	Lakehouse Historic District Contributor ^c	
259-45-051	446 W. San Fernando Street	Ferrell House #1 (1892)	Lakehouse Historic District Contributor ^c	
259-45-052	436 W. San Fernando Street	Dufie-Aguirre House (1885)	Lakehouse Historic District Contributor ^c	
259-45-053	426 W. San Fernando Street	New Lake House (1895)	Lakehouse Historic District Contributor ^c	
259-45-054	420 W. San Fernando Street	New Lake House Cottage (1924)	Lakehouse Historic District Contributor ^c	

**TABLE 3.3-1
 HISTORICAL ARCHITECTURAL RESOURCES UNDER CEQA IN THE STUDY AREA**

APN	Address	Resource Name (Date)	Status	Source
259-45-055	416 W. San Fernando Street	Parks-Rae House (1899)	NR/CR Eligible, ^b Lakehouse Historic District Contributor ^c	A&A (2006)
259-45-056	410 W. San Fernando Street	Graham House (1901)	Lakehouse Historic District Contributor ^c	
259-45-059	119 Delmas Avenue	Gagliardo House (ca. 1900)	Lakehouse Historic District Contributor ^c	A&A (2006)
259-45-095	124 Delmas Avenue	Brohaska/Dalis Residence (1911)	City Landmark Structure, Lakehouse Historic District Contributor ^c	A&A (2006)
259-47-040	580 Lorraine Avenue	(1961)	NR/CR Eligible,^b Candidate City Landmark^c	ARG (2020)
259-48-019	454 W. San Fernando Street	Arata House (1911)	NR/CR Eligible, ^b Lakehouse Historic District Contributor ^c	A&A (2006)
259-48-048	117 Gifford Avenue	Carto Court (1925)	Lakehouse Historic District Contributor ^c	A&A (2006)
259-48-049	125 Gifford Avenue	Lutzen/Carto Residence (ca. 1892)	Lakehouse Historic District Contributor ^c	A&A (2006)
259-48-053	150 S. Montgomery Street	Hellwig Ironworks (ca. 1935)	Candidate City Landmark^b	ARG (2020)
261-34-020	65 Cahill Street	Southern Pacific Depot Historic District (Diridon Station) (1935)	City Landmark, National Register Listed ^c	NR Nomination Form (1993)
261-35-003/ 261-35-010	105 S. Montgomery Street	Stephen's Meat Products Sign (ca. 1948)	Contributing Structure pending Commercial Signage Discontiguous District	ARG (2020)

NOTES:

A&A =Archives & Architecture; APN = Assessor's Parcel Number; ARG = Architectural Resources Group; ca. = circa; CEQA = California Environmental Quality Act; CR = California Register of Historic Resources; NR = National Register of Historic Places

Bold indicates resources located within the project site boundaries.

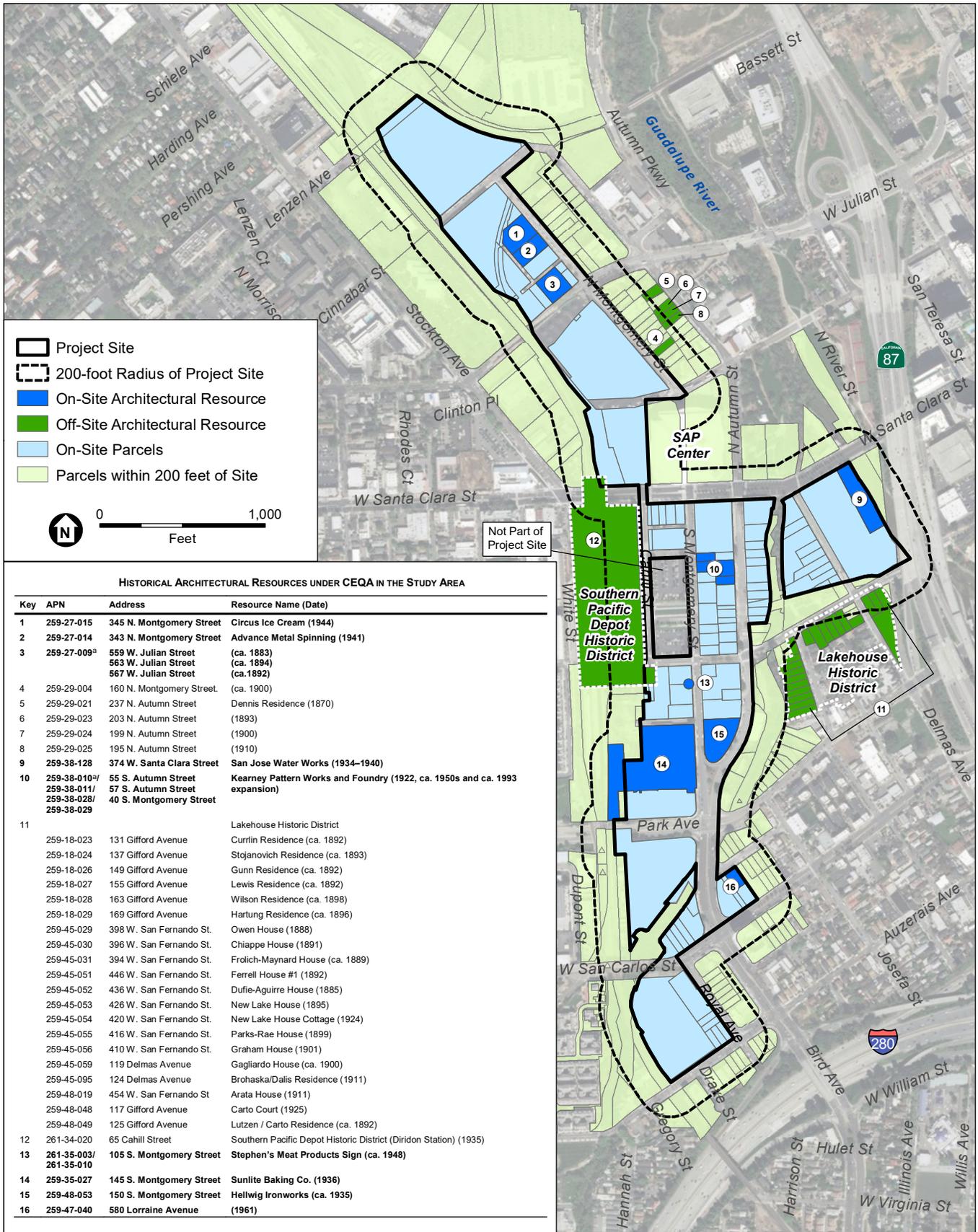
^a Grouping of three properties evaluated as a single resource.

^b Potential historical status based on the source documents noted.

^c Determined status.

^d Three additional contributors (369, 398, and 454 West San Fernando Street) are listed separately because they also qualify as individual resources under CEQA.

SOURCE: Architectural Resources Group, *Historical Resources Technical Report, Downtown West Mixed-Use Plan, San José, California*, March 2020.



SOURCES: Esri, 2019, City of San Jose, 2019, ESA, 2020

Downtown West Mixed-Use Plan

Figure 3.3-1
Downtown West Mixed-Use Plan,
Historic Resource Study Area Map

Conservation Areas (and their contributing sites/structures), Structures of Merit, and Identified Structures are properties that do not qualify as City Landmarks, or as part of a City Landmark District, California Register listing, or National Register listing and are therefore not considered historic architectural resources for the purposes of CEQA. In the interest of disclosure, all properties in the study area that are listed or eligible for listing on the City's HRI at these lower levels of significance are presented in **Table 3.3-2**, later in this section. Four of these are located on the project site, and 10 are located within the larger study area.

Identified Resources on the Project Site

The project site covers approximately 81 acres and includes nine historic architectural resources under CEQA.²² Of the historic architectural resources under CEQA within the project limits, six are individual resources, two are groupings of multiple structures, and one is a contributor to a discontinuous Candidate City Landmark District (**Figure 3.3-2**).²³ Each is described and summarized below; refer to Appendix E1 for the historic resource survey results and additional information about each resource.

559, 563, and 567 West Julian Street

This historic resource is a grouping of three individual residences located on a single assessor's parcel (APN 259-27-009). Together, the residences appear eligible for Candidate City Landmark status as a group. However, none of the structures appear to individually qualify as a historic architectural resources under CEQA.

The grouping of properties at 559, 563, and 567 West Julian Street has the following character-defining features:

- Wood channel drop siding
- Front-facing gable with bay window
- Spindework and decorative wood trim
- Close proximity to front property line with prominent front entry
- Adjacency to houses similar in age, construction, massing, and design

²² There is a slight overlap between the project boundaries and the National Register and Landmark District boundaries of the Southern Pacific Depot Historic District. This overlap is largely within or adjacent to the public right-of-way and does not encompass any contributing buildings or features. Therefore, for the purposes of this study, the Southern Pacific Depot Historic District is analyzed as adjacent to the project site and discussed with off-site resources located within 200 feet of the project.

²³ This discontinuous Candidate City Landmark District is in the process of being formally listed on the City of San José's Historic Inventory. As of February 5, 2020, the first 10 signs have been approved for listing by the Historic Landmarks Commission. District documentation is in process under the direction of the City of San José Historic Preservation Officer. Listing on the Historic Inventory does not qualify the sign as a historic architectural resources under CEQA however, the Stephen's Meat Market Sign would qualify as a historic architectural resources under CEQA upon adoption of the sign district, which is anticipated to occur before the proposed project is completed. Therefore, this analysis treats the sign as a historic architectural resources under CEQA.

The three buildings occupy the same parcel (APN 259-27-009) and are “a remnant cluster of worker housing characteristic of the late 19th and early 20th centuries in this historically mixed residential and industrial section of San José ... All three dwellings are representative of the residential use that defined its immediate area in the late nineteenth and early twentieth century, and their proximity strengthens their ability to communicate this association.”²⁴ All were constructed in the late 19th century, designed in the Folk Victorian style, and historically occupied by working-class residents.

559 West Julian Street is a ca. 1883 one-story residence constructed in the Folk Victorian style. It is a roughly T-shaped, wood-framed building with asphalt roll-roofing. All visible windows and the doorway on the primary façade have been replaced by vinyl siding and modern elements. Site features include a poured concrete walkway, shrubs that cover the bay window on the primary façade, and tall deciduous trees along the southeastern property boundary.²⁵

563 West Julian Street is a ca. 1894 one-story, rectangular plan, Folk Victorian cottage on a raised foundation. It is clad with channel drop wood siding and capped with an asphalt shingle-clad hipped roof. Many of the original wood double-hung sash windows have been replaced by vinyl, single-hung modern windows. Spindework, brackets, and other typical elements of Victorian architecture remain on the front façade. The front yard is enclosed with a wood fence and dominated by tall mature trees.²⁶

568 West Julian Street was constructed ca. 1892 and is also a one-story, rectangular plan, Folk Victorian cottage. It is clad with horizontal channel drop wood siding with flat cornerboards and topped with a combination hip and gable roof covered with rolled roofing. Most windows on the front façade have been replaced with modern vinyl units. Original window sills, decorative wood trim, brackets, and a large bay window with a stained glass transom remain, although some portions of the front façade have recently been boarded up with plywood. Mature landscaping and a wood fence further separate the building from the sidewalk.²⁷

The three buildings were previously individually evaluated and found to be ineligible for listing in the National Register and California Register.²⁸ ARG’s analysis concurs with the previous findings. However, the grouping of the three buildings also appears to be eligible as a San José Candidate City Landmark because “[a]ll three dwellings are representative of the residential use that defined its immediate area in the late nineteenth and early twentieth century, and their proximity strengthens their ability to communicate this association.” For this reason, the grouping of buildings at 559, 563, and 567 West Julian Street is considered a historical resource for the purposes of CEQA.²⁹

²⁴ Refer to Appendix E1 for more information regarding these resources.

²⁵ Architectural Resources Group, DPR form-set for 559 West Julian Street, January 2020.

²⁶ Architectural Resources Group, DPR form-set for 563 West Julian Street, January 2020.

²⁷ Architectural Resources Group, DPR form-set for 567 West Julian Street, January 2020.

²⁸ 559 and 567 West Julian Street were evaluated in 1992 by Archives and Architecture. 563 West Julian Street was evaluated in 2011 by PBS&J.

²⁹ Architectural Resources Group, DPR form-set for 559 West Julian Street, January 2020.

343 North Montgomery Street (Advance Metal Spinning)

343 North Montgomery Street (APN 259-27-014) is a one-story, Streamline Moderne style industrial building located at the front lot line. The building is covered in smooth stucco and features thin, raised horizontal lines, sometimes referred to as speedlines, that are indicative of the style. Multi-lite, wood sash storefront, sidelight, and transom windows create a unified appearance on the primary façade. The building’s massing is primarily rectangular and composed of a number of additions and adjacent construction projects that are not fully visible from the public right-of-way.³⁰

The property at 343 North Montgomery Street has the following character-defining features:

- Speedlines and emphasis on horizontal decorative elements
- Multi-lite windows with horizontal panes
- Recessed storefront entry
- Full-width transom
- Simple, one-story rectangular form
- Smooth stucco cladding

This building was constructed in 1941 and first appears in the San José City Directory in 1943 as the location of Somers, O’Rear & Stephan Steel Fabricators and Engineers. By 1949, the building was owned by Edwin B. Pray, who also constructed 343 North Montgomery Street and operated a machine shop at 341 North Montgomery Street. The properties at 343 and 345 North Montgomery Street are physically connected.

343 North Montgomery Street was previously individually evaluated and found to be ineligible for listing in the National Register and California Register.³¹ A 2019 analysis concurred with the previous findings. However, the building appears to be eligible as an individual San José Candidate City Landmark because it is a “local example of industrial architecture with Streamline Moderne elements and [conveys] the physical landscape of the neighborhood as it was during World War II and in the early postwar era.” For this reason, 343 North Montgomery Street is considered a historical resource for the purposes of CEQA.³²

345 North Montgomery Street (Circus Ice Cream)

345 North Montgomery Street (APN 259-27-015) is a one-story, Streamline Moderne style industrial building located at the front lot line. The building is covered with smooth stucco on its primary façade and vertical-groove engineered wood siding on its exposed northern façade. The primary façade is adorned with horizontal speedlines and a front-door awning with additional horizontal lines, both indicative of Streamline Moderne architectural design. A multi-lite wood sash storefront and sidelight windows further emphasize the horizontal nature of the design. A

³⁰ Architectural Resources Group, DPR form-set for 343 North Montgomery Street, January 2020.

³¹ 343 and 345 North Montgomery Street were evaluated in 2011 by PBS&J.

³² Architectural Resources Group, DPR form-set for 343 North Montgomery Street, January 2020.

one-story hyphen with a nine-light, steel-sash window connects this building to its neighbor at 343 North Montgomery Street.³³

The property at 345 North Montgomery Street has the following character-defining features:

- Speedlines and emphasis on horizontal decorative elements
- Multi-lite windows with horizontal panes
- Simple, one-story rectangular form
- Smooth stucco cladding

This building was constructed in 1944 by and for Edwin B. Pray. Pray also constructed 343 North Montgomery Street (discussed above) and operated a machine shop at 341 North Montgomery Street (no longer extant).

345 North Montgomery Street was previously individually evaluated and found to be ineligible for listing in the National Register and California Register.³⁴ A 2019 analysis concurred with the previous findings. However, the building appears to be eligible as an individual San José Candidate City Landmark because it is a “local example of industrial architecture with Streamline Moderne elements and [conveys] the physical landscape of the neighborhood as it was during World War II and in the early postwar era.” For this reason, 345 North Montgomery Street is considered a historical resource for the purposes of CEQA.³⁵

40 South Montgomery Street and 55 and 57 South Autumn Street (Kearney Pattern Works and Foundry)

The former Kearney Pattern Works and Foundry complex is composed of attached buildings constructed in phases between 1922 and ca. 1993 (APNs 259-38-010, 259-38-011, 259-38-028, and 259-38-029). The complex is primarily one-story, with an irregular footprint that spans the block between South Montgomery and South Autumn Streets. The oldest portion of the complex (40 South Montgomery Street) was constructed in 1922 as a pattern shop. This building is a wood-frame structure with a gable roof and a gabled monitor. A variety of window types (wood and steel sash) punctuate the façades. The building is clad with a combination of wood and corrugated sheet metal. An outbuilding was added to the rear in 1932 and a southerly addition was added in 1948. Newer components of the complex (mostly facing South Autumn Street) are steel frame and clad with corrugated sheet metal. These sections have fewer windows, with roll-up metal doors providing vehicular and delivery access.³⁶

The former Kearney Pattern Works and Foundry complex has the following character-defining features:

- One-story heights with a variety of rooftop windows and daylighting features (e.g., dormers, monitors)

³³ Architectural Resources Group, DPR form-set for 345 North Montgomery Street, January 2020.

³⁴ 343 and 345 North Montgomery Street were evaluated in 2011 by PBS&J.

³⁵ Architectural Resources Group, DPR form-set for 343 North Montgomery Street, January 2020.

³⁶ Architectural Resources Group, DPR form-set for 40 South Montgomery Street, 43–55 South Autumn Street, and 57 South Autumn Street, January 2020.

- Simple, flat-sawn window and door trim
- Combination of pedestrian and vehicular entrances
- Irregular plan indicative of phases of company growth

Alfred C. Kearney established the Kearney Pattern Works and Foundry at the site in 1922. The facility was enlarged in the 1930s, 1940s, 1950s, 1960s, and 1990s. The façade of the earliest structure was likely remodeled in the late 1950s to appear uniform with the newer additions. An important local manufacturer, Kearney Pattern Works and Foundry, continued to operate at the property until it was sold in 2019.

This resource was previously evaluated and found to be ineligible for listing in the National Register and California Register.³⁷ ARG's analysis differs from the previous findings and concludes that the subject property appears to be eligible for listing in both the National and California Registers under Criterion A/1: "Over the course of its one hundred years in operation, Kearney Pattern Works and Foundry's operations would come to reflect the broader shifts and patterns in the [region's] prevailing industries and play an important role in producing specialized tools and equipment required for their commercial success." The identified period of significance is 1922 (date of initial construction) through the end of World War II in 1949. The building also appears to be eligible for listing as a San José Candidate City Landmark. For these reasons, the Kearney Pattern Works and Foundry is considered a historical resource for the purposes of CEQA.³⁸ Only those portions that were constructed within the period of significance (1922–1949) are considered as contributing to the historical significance of the property. This includes the original 40 South Montgomery Street building built in 1922, the 1932 outbuilding, and the 1948 southerly addition. Excluded as contributors are the two additions on South Autumn Street, a 1962 connector between the South Montgomery Street and South Autumn Street buildings, and a small rectangular addition between the 1922 and 1948 buildings on South Montgomery Street; this last component was also added in 1962.

374 West Santa Clara Street (San Jose Water Works)³⁹

The San Jose Water Works building (APN 259-38-128) was constructed in 1934 and expanded in 1940 by the San Jose Water Company. The San Jose Water Company was established in 1866 to provide water to San José and the surrounding communities. It remains in business today under private ownership. The property has been owned by the company since ca. 1880, occupying it as a well field, pumping station, and company offices. The 1934/1940 building was determined to be eligible for inclusion in the National and California Registers in 1990 under Criterion A/1 (Events and Trends)⁴⁰ for its association with the oldest privately owned water utility in California and

³⁷ This resource was evaluated in 1992 by Archives and Architecture, in 1999 by Archives and Architecture and Ward Hill, and in 2010 by PBS&J.

³⁸ Architectural Resources Group, DPR form-set for 40 South Montgomery Street, 43–55 South Autumn Street, and 57 South Autumn Street, January 2020.

³⁹ National Register nomination 1989.

⁴⁰ The National Register nomination form notes that water utilities in the Bay Area were "of paramount importance in the urban development of the region," thus qualifying it for listing under Criterion A as being associated with a "pattern of events or a historic trend that made a significant contribution to the development of a community, a State, or the nation."

under Criterion C/3 (Architecture) as an excellent example of a distinctive type of office building for its period, combining Moderne and Spanish Colonial Revival elements. The 1913 transformer building was also found to be a contributing element to the historic resource; however, all other portions of the complex were determined to be non-contributing.⁴¹ The complex is City Landmark number HL91-57.⁴²

San Jose Water Company was incorporated on November 21, 1866, by Donald McKenzie, John Bonner, Peter Carter, and Anthony Chabot, drawing from artesian wells to supply water to the growing population of San José. Demand increased rapidly, and the company continued to expand its infrastructure by constructing dams, reservoirs, flumes, and conduits. By 1900, it had water rights on Los Gatos Creek and owned more than 4,000 acres of watershed in the Santa Cruz Mountains (including four lakes) to augment the nine artesian well pumping stations in San José. At the turn of the century, the company supplied water to the cities of San José, Los Gatos, Saratoga, and Alma.⁴³ In the 20th century, expansion was concentrated in the areas east of San José and included additional reservoirs and distribution system infrastructure. In 1951, with the completion of Austrian Dam and the creation of Lake Elsmán, San Jose Water Company crossed the 100,000 service connection threshold. In 2016, the company celebrated 150 years of service. Today, it serves more than 1 million customers in the greater San José metropolitan area.⁴⁴

The San Jose Water Works site, also known as the Main Station, houses (currently and/or historically) a water source and pumping station. Pumps draw water from the artesian wells on-site and feed the water directly into the water distribution system, the site of the administration offices (as early as 1888), and maintenance and storage facilities.

The San Jose Water Works building is “an excellent local example of a 1930s office building combining elements of the Modern and Spanish Colonial Revival styles.” The two-story, rectangular-plan building was built in two phases in 1934 and 1940. Both phases were designed by notable local architect Ernest N. Curtis (1888–1956) of the firm Binder & Curtis, and are unified in design and composition.⁴⁵ The first phase included the north two-story section and the first story of the central section. The second phase included the south two-story section and the second story of the central section. All portions are built of reinforced concrete, a signature material for Binder & Curtis, and the roofs are clad in red terra cotta tile. Original steel sash windows are set in bays demarcated by fluted piers. Cast stone ornament includes a Moderne

⁴¹ The eligibility for National and California Register listing, and for City Landmark status was reconfirmed in 2003 by Ward Hill, and in 2019 by ARG. Refer to Appendix E1 for more information.

⁴² The eligibility for National and California Register listing, and for City Landmark status was reconfirmed in 2003 by Ward Hill, and in 2019 by ARG. Refer to Appendix E1 for more information.

⁴³ The town of Alma no longer exists. It was located at the current site of Lexington Reservoir.

⁴⁴ San Jose Water Company, About San Jose Water: Who We Are. Available at www.sjwater.com/our-company. Accessed January 7, 2020.

⁴⁵ Ernest Curtis and William Binder and their firm of Binder & Curtis designed many notable buildings and structures in the San José region, including the Carnegie Library Building and Garden City Bank Building (both 1906), numerous large theaters, the Commercial Building (1920s), the Benson Building (1933), the San Jose Civic Auditorium (1934–36), several buildings for Santa Clara University, and the main buildings of the Santa Clara County Hospital. Further information can be found in the National Register nomination for the San Jose Water Works Building.

frieze band and a sculptural pediment over the entry. The resource also includes an earlier pump house (1913) that now serves as a wing to the primary structure.

The San Jose Water Works complex has the following character-defining features:

- Uniform, symmetrical design
- Reinforced concrete and stucco-clad construction
- Cast stone decorative elements: frieze band, diamond and chevron panels, sculptural pediment over the entry, and bas-relief patterns in water-related themes (clouds, raindrops, waves)
- Red tile roof tiles
- “San Jose Water Company” integral signage
- Modern-style decorative elements (e.g., frieze band, diamonds with flanking chevron panels)

The resource at 374 West Santa Clara Street was determined eligible for listing in the National and California Registers under Criterion A/1 (Events and Trends) for its association with water utility development in San José and regionally, and under Criterion C/3 (Architecture) for its combined use of Moderne and Spanish Colonial Revival architectural styles. This eligibility was first determined by Woodruff Minor and Basin Research Associates in 1999, verified by Ward Hill and Basin Research Associated in 2003, and verified again by ARG in 2019. The 1989 assessment concluded that there were two contributing buildings (the main building and transformer house) and two non-contributing buildings (the pump house and data processing building) on the property. That determination has been confirmed in at least two subsequent evaluations, described further below (2004 and 2016).

In 2004, the San Jose Water Works parcel was the subject of an EIR for a proposed project that included adaptive reuse and rehabilitation of the main building, relocation and rehabilitation of the transformer house, and development of the remainder of the parcel to house commercial, retail and residential uses (State Clearinghouse No. 2002062017).⁴⁶ That project and its environmental review were amended in 2016 for increased density of development on the same parcel.⁴⁷ In both cases, the analysis concluded that rehabilitation of the San Jose Water Works building and relocation and rehabilitation of the transformer building would result in a less-than-significant impact on a historic resource.

Consistent with the 2016 environmental review and project approval (File No. PD15-061), the City of San José issued a building permit in March 2020 to demolish the non-contributing sections of the building and site in accordance with Historic Preservation Permit HP-002 and Historic Preservation Permit Adjustment HPAD20-007 (extension of permit expiration); to remove/abate selected building elements identified in the hazardous materials report; and to conduct fill and grading, including the installation of a storm area drain and other related

⁴⁶ City of San José, *SJW Land Company Planned Development Rezoning Final Integrated Environmental Impact Report*, April 2004.

⁴⁷ City of San José, *SJW Land Company Planned Development Rezoning Final Integrated Environmental Impact Report: Addendum*, April 2016.

infrastructure improvements (sewer and water) (**Figure 3.3-3**). This work was limited to the building's interior and non-contributing additions and will not result in any other exterior changes to the main building. Historic Preservation Permit Adjustment HPAD20-006 was issued in August 2020 for the rehabilitation of the main building and changes to the openings at both the west and south elevations in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Buildings. Along the west elevation, a non-historic door is being replaced with modern aluminum doors that are more representative of the original door configuration (double-leaf glass-panel doors under a transom). The south (right) section of the building will have new sliding stacking aluminum frame and glass panel doors to replace the non-historic existing glazing. At the south façade, two recessed rectilinear outlines are being added to the left and center bays to illustrate the location of the building's original glazing configuration. Because historic materials are not extant at these locations, modern glass transoms and doors are being inserted into portions of these two bays. The Transformer House will be relocated and rehabilitated as a support structure on a new mat slab foundation. Exterior stucco and terra cotta roofing will be repaired as needed to match the original. The above changes to the historic resource for which work has commenced are considered a baseline condition for the impacts analysis in this EIR, and the August 2020 Historic Preservation Permit Adjustment (HPAD20-006) is an approved project for which CEQA review has been completed. Accordingly, none of the foregoing alterations are further evaluated in this analysis.

580 Lorraine Avenue

580 Lorraine Avenue (APN 259-47-040) is a “one-story, wood frame union hall [that] is irregular in plan and comprises two building components: one rhomboidal-plan component with a shed roof that slopes upward from east to west, and one narrower, trapezoidal-plan component with a shed roof that slopes downward from east to west.” Both sections are primarily executed in concrete brick. All windows are fixed, steel sash in a variety of sizes and configurations. The main entry is set in a glazed wall on the eastern half of the northern façade. The site contains minimal landscaping and is surrounded on two sides by parking lots. No evidence of substantial alteration is visible.⁴⁸

The property at 580 Lorraine Avenue has the following character-defining features:

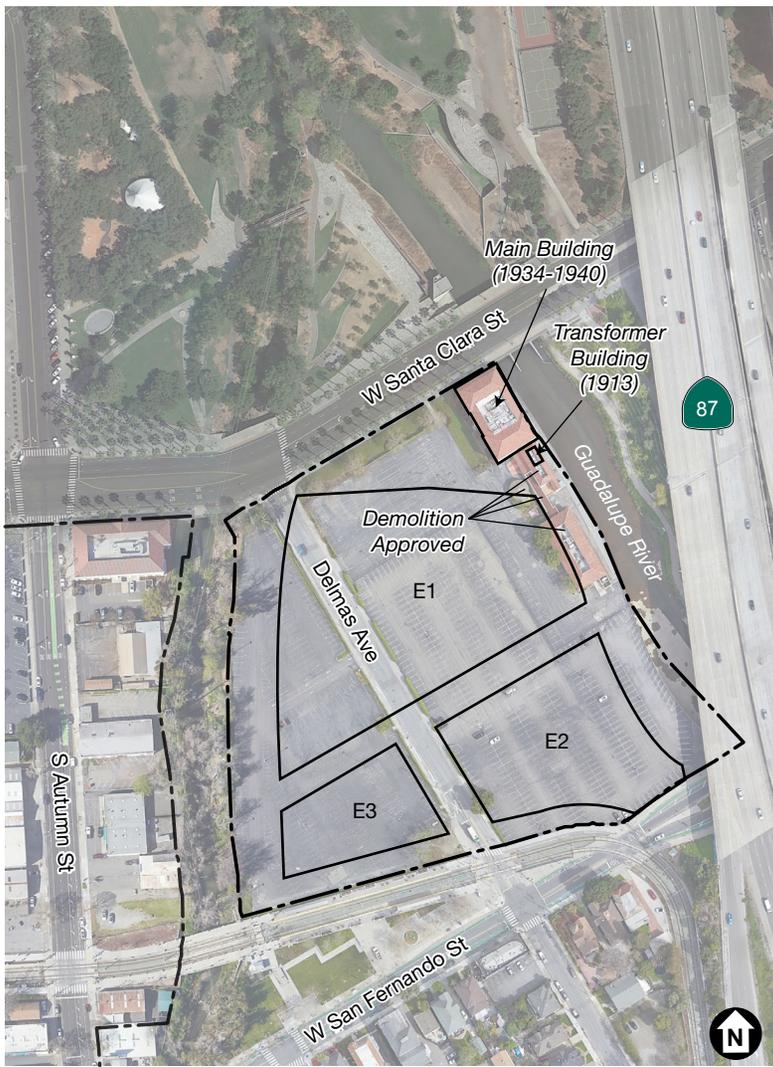
- Complicated massing with rhomboidal-plan and trapezoidal-plan elements
- Sweeping shed roofs
- Minimal decorative elements consisting of textured construction materials and glass
- Steel sash windows including the glazed-wall primary entry

Constructed in 1961 and dedicated the following year, 580 Lorraine Avenue was originally home to a dispatching and meeting hall for the International Longshore and Warehouse Union Local 11 and Local 6, also known as Democracy Hall. It was designed by architects Henry Hill and John Kruse. The two union groups merged in 1973. The building was later occupied by the Greater Church of Jesus Christ. Research indicates that the property has been vacant since 2007.

⁴⁸ Architectural Resources Group, DPR form-set for 580 Lorraine Avenue, January 2020.



Existing



Previously Approved

--- Project Site Boundary
 [E#] Proposed Project Block Number

NOTE: Demolition of non-historic sections and relocation of the Transformer Building approved March 2020 (HP-002/HPAD20-007).

SOURCE: ESA, 2020; Google Earth, 2020

Downtown West Mixed-Use Plan

Figure 3.3-3
 Existing and Previously Approved San Jose Water Company
 Contributing Element Locations

ARG concluded that 580 Lorraine Avenue appears to be eligible for listing in the National Register and California Register under Criterion C/3 as a rare non-residential example of master architect Henry Hill and his associate John Kruse, and as the only known extant example of Hill's work in San José. In addition, ARG concluded that 580 Lorraine Avenue appears to be eligible for listing as a San José Candidate City Landmark. For these reasons, 580 Lorraine Avenue is considered a historical resource for the purposes of CEQA.⁴⁹

150 South Montgomery Street (Hellwig Ironworks)

150 South Montgomery Street (APN 259-48-053) is a two-story, rectangular plan building constructed in variegated clinker brick and composed of two building masses: a north-south, two-story, side gable section fronting South Montgomery Street and a shorter east-west, two-story side gable section spanning between South Montgomery Street and South Autumn Street. Windows are primarily steel sash. Important decorative features of the building include a plaster shield with the anvil and hammer motif of Hellwig Ironworks, brick sills, prominent circular attic vents, and a large sash for daylighting the original workshop.⁵⁰

The property at 150 South Montgomery Street has the following character-defining features:

- Two-part composition with simple gable roofs
- Clinker brick exterior with brick window and door trim
- Hellwig Ironworks plaster shield
- Steel-sash industrial windows for interior daylighting

150 South Montgomery Street was constructed ca. 1934 by Harold Hellwig as an ironworks, which was in operation until 1963. Additions were constructed by Hellwig in 1944, 1945, and 1951. Navlet's Flowers, a company with operations throughout the Bay Area and one of San José's oldest florists, occupied the building in 1970, and the east façade and entrance were altered around this time.

The building was evaluated in 2005 for individual eligibility and found to be ineligible for listing in the National Register and California Register.⁵¹ ARG's analysis concurs with the previous findings. However, 150 South Montgomery Street appears to be eligible as an individual San José Candidate City Landmark because it "is an example of an industrial property built during the second wave of development to occur in the area in the early twentieth century" and "embodies the distinctive use of building materials that is not typical of industrial buildings in the area." For these reasons, 150 South Montgomery Street is considered a historical resource for the purposes of CEQA.⁵²

⁴⁹ Architectural Resources Group, DPR form-set for 580 Lorraine Avenue, January 2020.

⁵⁰ Architectural Resources Group, DPR form-set for 150 South Montgomery Street, January 2020.

⁵¹ 150 South Montgomery Street was evaluated in 1992 by Archives and Architecture, in 2002 by JRP Historical Consulting Services, and in 2005 by LSA Associates.

⁵² Architectural Resources Group, DPR form-set for 150 South Montgomery Street, January 2020.

145 South Montgomery Street (Sunlite Baking Co.)

145 South Montgomery Street (APN 261-35-027) is a one-story, L-plan, board-formed concrete industrial building constructed in multiple phases for the Sunlite Baking Company. The Art Moderne building has its primary entrance on South Montgomery Street marked by a scalloped cornice; projecting stepped-front surround; and fluted, semi-circular canopy. Triple banks of steel double-hung windows with blind arches flank the main entry. Remaining windows are also steel sash but lack the arched ornament. To the south, later additions are simple in decoration, lacking windows or distinctive detailing.⁵³

The property at 145 South Montgomery Street has the following character-defining features:

- Board-formed concrete construction
- Prominent front entry with projecting surround and semi-circular canopy
- Blind arch window headers
- Symmetrical primary elevation
- Steel sash windows

145 South Montgomery Street was constructed ca. 1936 as a bakery for the Sunlite Baking Company. Architect Ralph Wyckoff also designed a 1943 addition to the building. Owners Allen T. Gilliland Sr. and Jenny Gilliland were prominent in the local business community and owned KNTV Channel 11. The Gilliland family sold the bakery in 1966, and it was later purchased by the Pacific Telephone and Telegraph Company, which remodeled the interior.

The building has been individually evaluated several times with conflicting findings.⁵⁴ ARG's analysis concurs with the most recent previous findings, which found that the property is eligible for listing in the National Register and California Register under Criterion B/2 for its significant association with the locally prominent Gilliland family, and also Criterion C/3 as a distinctive local example of the Art Moderne style designed by prominent architect Ralph Wyckoff. In addition, ARG concluded that 145 South Montgomery Street appears to be an eligible San José Candidate City Landmark. For these reasons, 145 South Montgomery Street is considered a historical resource for the purposes of CEQA.⁵⁵

105 South Montgomery Street (Stephen's Meat Products Neon Sign)

The standalone neon sign was installed at the 105 South Montgomery Street location of Stephen's Meat Market (APNs 261-35-003 and 261-35-010). The associated building was demolished in 2007. The sign is presumed to date to the building's 1948 construction or to a 1950s addition, and was fabricated by the Electrical Products Corporation of California. It features the name "Stephen's Meat Products," the slogan "pure pork sausage," and a "dancing" cartoon pig. The sign was restored in 2019. Before the Stephen's Meat Market building was demolished, the

⁵³ Architectural Resources Group, DPR form-set for 145 South Montgomery Street, January 2020.

⁵⁴ 145 South Montgomery Street was evaluated in 1992 by Archives and Architecture, in 2002 by JRP Historical Consulting Services, in 2005 by LSA Associates, and in 2010 by PBS&J.

⁵⁵ Architectural Resources Group, DPR form-set for 145 South Montgomery Street, January 2020.

complex was evaluated twice and found to be ineligible for listing in the National Register and California Register.⁵⁶

The City of San José Planning Division has identified the Stephen’s Meat Products neon sign as a contributor to a Commercial Signage Discontiguous Historic District. These historic commercial signs are related to the mid-20th century time frame when “commercial signs were popular ... as roadside attractions associated with commercial uses.”⁵⁷ The Stephen’s Meat Products sign has the following character-defining features:

- Neon lighting
- Animation
- Whimsical and playful iconography
- Graphic lettering
- Freestanding design

Full documentation of this district is in process. As of February 5, 2020, the Stephen’s Meat Products sign is listed in the Historic Resources Inventory as a Contributing Site/Structure. Once a historic district is identified by the City, the sign would be considered a historical resource for the purposes of CEQA.⁵⁸ Therefore, this property is being treated as a historic architectural resource under CEQA for the purposes of this analysis.

Identified Resources within 200 Feet of the Project Site

The study area includes the project site plus a 200-foot radius around the project site. Collectively, for the purposes of the analysis of historic architectural resources, this total area (project site plus 200-foot radius) is referred to as the “study area.” This is the area in which historic architectural resources may be affected by physical changes on the project site (Figure 3.3-2). Historical resources within 200 feet of the project site were identified through cross reference of the HRI with recent environmental review documents, status as noted on the City of San José Public GIS View, and confirmed through a reconnaissance-level survey conducted by the City of San José.

Within the 200-foot radius and outside of the project site, there is one individual historic architectural resource under CEQA (237 North Autumn Street) and two historic architectural districts under CEQA (the Southern Pacific Depot Historic District and a portion of the Lakehouse Historic District). In addition, five resources in the portion of the Lakehouse Historic District within the 200-foot radius (396, 398, 416, and 454 West San Fernando Street and 124 Delmas Avenue) are individual historic architectural resources under CEQA.

⁵⁶ 105 South Montgomery Street was evaluated in 2002 by JRP Historical Consulting Services and in 2005 by LSA Associates.

⁵⁷ City of San José, *City of San José Historic Landmarks Commission, Memorandum: Add Qualifying Properties to the Historic Resources Inventory, Attachment 3*, February 5, 2020.

⁵⁸ Architectural Resources Group, DPR form-set for Stephen’s Meat Products Neon Sign, January 2020.

A reconnaissance-level survey conducted by the City of San José confirmed the status of four additional Candidate City Landmarks (150 North Montgomery Street and 195, 199, and 203 North Autumn Street). These residences along North Autumn Street form a group of period buildings that may qualify as a Candidate City Landmark District.⁵⁹

Each of these historic architectural resources under CEQA is described and summarized below.

237 North Autumn Street (Dennis Residence)⁶⁰

The neighborhood west of the Guadalupe River along Autumn Street evolved into a residential development in the late 1860s and 1870s. At that time, it was populated mostly by Irish immigrants. By the turn of the 20th century, the neighborhood predominantly comprised Italian residents. While a few large properties existed in the area, owned by prominent businessmen and politicians, most of the area was a working-class neighborhood populated by workers in the nearby mills and manufacturing companies.

At 237 North Autumn Street (APN 259-29-021) is a brick, Greek Revival residence constructed in 1870 for Joseph and Margaret Dennis and their infant daughter, Belle. Margaret died shortly after the house was constructed. Joseph soon married Sarah Moran and had another daughter, Teresa. Joseph was listed as a laborer on census documents, but it appears that the family also operated a grocery store out of the house by 1894. It remained in the Dennis family, through Teresa, until at least 1909.

237 North Autumn Street is “locally unique as one of the few remaining brick residences built in San José during the 19th century.”⁶¹ The property still retains a ca. 1885 barn near the rear lot line. It was designated City Landmark No. HL05-153 on September 8, 2005. It is notable for its representational use “of distinguishing characteristics of the Greek Revival architectural type” and “elements of brick residential architectural design detail, materials, and craftsmanship, which represent a uniqueness within [San José].”⁶² The 2005 evaluation found the house and barn eligible for listing in the National Register and California Register under Criterion C/3 (Architecture) at the local level.

The property at 237 North Autumn Street has the following character-defining features:

- Greek Revival style executed in brick
- Arched, front-facing second-story window
- Multi-lite windows placed over heavy timber sills and capped with vertically placed bricks

⁵⁹ Juliet Arroyo, (former) Historic Preservation Officer, City of San José, email, March 2, 2020.

⁶⁰ Archives & Architecture, *Historic Landmark Designation for the Dennis House, Located at 237 North Autumn Street*, 2005.

⁶¹ Archives & Architecture, *Historic Landmark Designation for the Dennis House, Located at 237 North Autumn Street*, 2005. The DPR form submitted with the landmark designation packet describes the use of brick for residential construction, its limited usage to specific areas of the city, and the relatively brief period when it was used.

⁶² Archives & Architecture, *Historic Landmark Designation for the Dennis House, Located at 237 North Autumn Street*, 2005.

- Offset front door
- Fluted corner pilasters with capitals
- Multilayered soffit on all sides, discontinuous on the front and rear elevations

199, 195, and 203 North Autumn Street

This grouping of three individual residences is located on the west side of North Autumn Street between West Julian and West St. John streets. Based on the results of a reconnaissance-level survey, the residences appear eligible for Candidate City Landmark status as a group for their high architectural integrity as a cohesive grouping of late 19th- and early 20th-century residences.⁶³

203 North Autumn Street is a two-story Queen Anne residence that has a compound plan and is topped with a combination hip and gable roof clad in asphalt shingles. Exterior walls are clad in wood channel siding and original windows are predominantly one-over-one wood double hung. Decorative features of the style include the prominent front gable with broken pediment and decorative bargeboard, asymmetrical façade, cutaway bay window with decorative corner brackets, eyebrow dormer, and partial front porch with turned porch supports, spindlework frieze, and incised corner brackets.

This building's architectural character is representative of the Queen Anne style that was once common throughout San José. Its integrity remains high, thus qualifying it for consideration as a Candidate City Landmark.

199 North Autumn Street is a two-story Queen Anne residence has a compound plan and is topped by a front-facing gable roof clad in in asphalt shingles. Exterior walls are clad in wood channel siding and original windows are predominantly one-over-one wood double hung. Decorative features characteristic of the style include the dominant front-facing gable with patterned shingles at the gable face and decorative bargeboard, asymmetrical front façade composition, boxed bay window with stained glass transom, and pedimented front porch with turned porch supports, decorative brackets, and spindlework frieze.

This building's architectural character is representative of the Queen Anne style that was one common throughout San José. Its integrity remains high, thus qualifying it for consideration as a Candidate City Landmark.

195 North Autumn Street is a two-story Queen Anne residence has a rectangular plan and is topped by a combination hip and gable roof clad in asphalt shingles. Exterior walls are clad in wood channel siding and patterned wood shingles and original windows are one-over-one wood double hung. Decorative features characteristic of the style include the asymmetrical front façade; dominant front gable with broken pediment, ornamental bargeboard, fishscale shingles, and ornamental vent surround at the gable face; cutaway bay window with starburst wood brackets

⁶³ Juliet Arroyo, (former) Historic Preservation Officer, City of San José, email, March 2, 2020.

and decorative wood trim; and pedimented porch roof with starburst ornamentation in the gable face and arched spindlework frieze.

This building's architectural character is representative of the Queen Anne style that was once common throughout San José. Its integrity remains high, thus qualifying it for consideration as a Candidate City Landmark.

160 North Montgomery Street

This two-story Italianate residence has a rectangular plan and is topped by a combination hip and gable roof covered in asphalt shingles. Exterior walls are clad in wood channel siding and original windows are one-over-one wood double hung. Decorative features of the style include the dominant front gable with broken pediment, arched second-story window, decorative modillions and trim at the eave lines, quoined corners, and bay window.

This building's architectural character is representative of the Italianate style that was once common throughout San José. Its integrity remains high, thus qualifying it for consideration as a Candidate City Landmark.

65 Cahill Street (Southern Pacific Depot Historic District/Diridon Station)⁶⁴

Construction of the Southern Pacific Depot complex (APN 261-34-020) in 1935 on Cahill Street was “the culmination of a 30-year effort to relocate 4.5 miles of the South Pacific Coast line of the Southern Pacific Railroad (SPRR) away from the heavy traffic of the downtown area around the Market Street Depot to the west side of the city, an industrial neighborhood area in the nineteenth century and the [sic] formerly the location of rail facilities belonging to other railroads. The Southern Pacific Depot relocation was heralded as the first major railroading change in San José in nearly three-quarters of a century.”⁶⁵

The 1935 Southern Pacific Depot in San José is a multibuilding, multilevel combination (passenger and freight), Italian Renaissance Revival style rail depot. It was designed by John H. Christie and constructed at a cost of \$100,000.⁶⁶ The main station is composed of a primary three-story, steel-frame and masonry central section that houses the passenger waiting room. The flanking two-story wings are wood-frame construction with brick cladding. These three sections form the building's main architectural mass and are topped with terra cotta tile. The smaller, utilitarian south and rear wings are flat roofed and only trimmed with terra cotta tile. Surrounding the main station are a number of support structures and utilitarian buildings, also constructed ca. 1935 (refer to the list below). The entire depot relocation project cost \$3.25 million (1935 dollars) and was one of the last large-scale depot construction projects undertaken by SPRR.

⁶⁴ McKee, E. A., California Department of Transportation, *National Register of Historic Places Registration Form: Southern Pacific Depot*, December 1992.

⁶⁵ McKee, E. A., California Department of Transportation, *National Register of Historic Places Registration Form: Southern Pacific Depot*, December 1992, Section 8, p. 1.

⁶⁶ John H. Christie designed a number of SPRR projects, including Union Station in Los Angeles and multiple remodels of the Fresno depot.

In total, the historic architectural district currently consists of four contributing buildings and four contributing structures and/or element types:

- Main station building
- Compressor house: Rectangular plan, wood frame, wood-sided shed
- Car cleaners' shack: Wood frame, gable roofed, board and batten shed
- Butterfly passenger sheds, connected by subterranean passageways
- Iron gate and fence with square classical posts and curvilinear details
- Railroad tracks: Four passenger tracks, mail/baggage/express track, freight tracks
- Santa Clara Underpass (California Department of Transportation Bridge No. 37-45)
- Beaux-arts luminaires cast by the Joshua Hendy Iron Works in Sunnyvale

The main station building has the following character-defining features:

- Italian Renaissance Revival design
- Multistory arched windows
- Polychrome brick with terra cotta decoration
- Red terra cotta roof tile
- Metal spandrel panels in the window bays
- Galvanized steel marquee
- Interior features in the main station building:
 - Terrazzo floors with stone inlay
 - Scored plaster walls above a marble wainscot
 - Coffered ceiling with a large decorated ridge beam and flanking purlins with decorated corbels
 - Mural by artist John MacQuarrie
 - Clock with flanking plaster grilles
 - Marble ticket counter

The Southern Pacific Depot Historic District is listed in the National Register under Criterion C (Architecture) as a late example of the Italian Renaissance Revival style in commercial architecture in the state of California. Because it is listed in the National Register, it is also listed in the California Register under Criterion 3 (Architecture). The Southern Pacific Depot Historic District is also listed as San José Landmark HL94-100. It is one of only four transportation facilities in the Italian Renaissance Revival style in California.

The National Register District boundaries and the City of San José Landmark District boundaries differ slightly. These differences are primarily along the western edge of the district where the National Register boundaries follow the layout of the tracks and the Landmark District Boundaries are more in line with the property lines. Both districts extend over West Santa Clara Street to include the Santa Clara Street underpass and extend across Cahill Street immediately south of West San Fernando Street. Both district boundaries just south of West San Fernando

Street and just north of West Santa Clara Street overlap slightly with the project site (**Figure 3.3-4**). However, no contributing structures or features are located within this overlap, and most of the overlapping area is within the public right-of-way. Therefore, the Southern Pacific Depot Historic District is considered an off-site historic resource for this study.

Lakehouse Historic District⁶⁷

The Lakehouse Historic District is located between West San Fernando Street and Park Avenue, and between Los Gatos Creek and SR 87. This City Landmark District (HD07-158) is a single-family residential district of 39 properties that consists of Queen Anne, Craftsman, and Period Revival style buildings constructed between 1892 and 1925, 11 properties of which occur in the study area. This district is “distinguishable as a place within the larger context of downtown San José, and is easily recognized by the distinctive residential architecture built from 1885 to 1925.”⁶⁸

The area was first developed by Antoine Delmas, a French nurseryman who purchased a portion of the Los Coches Rancho from Antonio Maria Sunol ca. 1851. He created “French Gardens” and the area came to have a strong association with French settlement in the region. In 1869, the Lake House Hotel was built near the intersection of Delmas Avenue and West San Fernando Street and run as a summer resort. As San José expanded, the area was again redeveloped, this time for residential purposes. The district takes its name from its ca. 1869, resort-focused phase.

The Lakehouse Historic District is significant for its representation of historic development patterns in the area west of Downtown San José; association with residential development from 1885 to 1925; and the breadth and quality of period architectural styles found in the neighborhood. It maintains a high degree of historical and physical integrity and “presents a unique and distinct experience of the visual aspects of neighborhood life in a community for most of the historic period during which it was developed.”⁶⁹

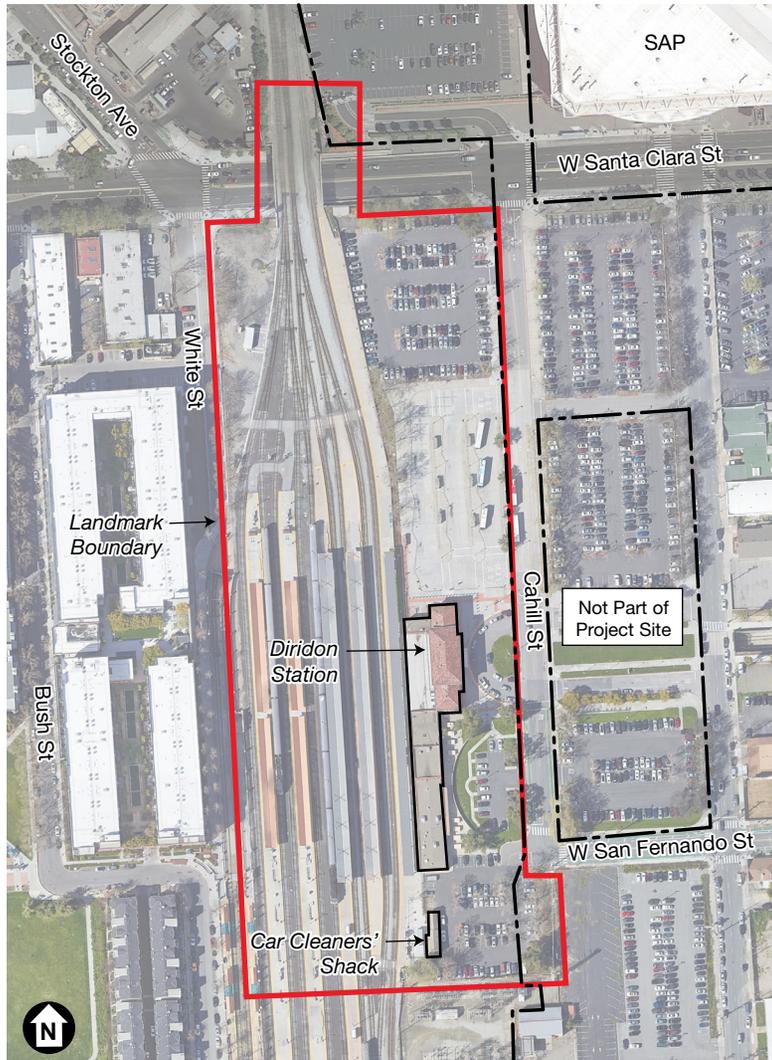
The Lakehouse Historic District is a City of San José Landmark District. Twenty district contributors are located in the study area. Of these, three have been found individually eligible for listing in the National Register under Criterion C (Architecture): 396 West San Fernando Street (APN 259-45-030), 398 West San Fernando Street (APN 529-45-029), and 454 West San Fernando Street (APN 259-48-019). One district contributor has been found eligible for listing in the National Register through the Section 106 process: 416 West San Fernando Street (APN 529-45-055). One contributor is an individual City Landmark structure: 124 Delmas Avenue (APN 529-45-095). The individual historic architectural resources under CEQA in the Lakehouse Historic District are discussed separately below.⁷⁰

⁶⁷ Archives & Architecture, *State of California Department of Parks and Recreation District Record: Lake House Neighborhood*, May 2006.

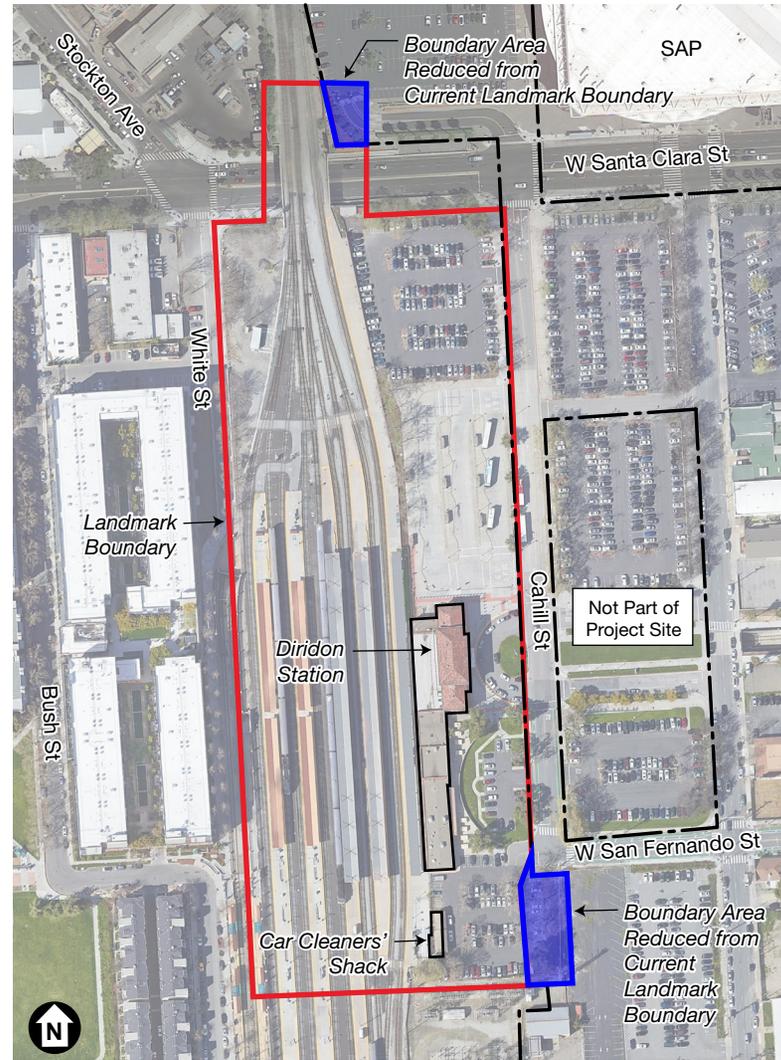
⁶⁸ Archives & Architecture, *State of California Department of Parks and Recreation District Record: Lake House Neighborhood*, May 2006, p. 5.

⁶⁹ Archives & Architecture, *State of California Department of Parks and Recreation District Record: Lake House Neighborhood*, May 2006, p. 5.

⁷⁰ Archives & Architecture, *State of California Department of Parks and Recreation District Record: Lake House Neighborhood*, May 2006, p. 5; Archives & Architecture, *Primary Record: 396 San Fernando, West*, prepared for the City of San José, 1999/2006; Archives & Architecture, *Primary Record: 398 San Fernando, West*, prepared for the City of San José, 1999/2006.



Existing



Proposed

----- Project Site Boundary

Figure 3.3-4
Existing and Proposed Southern Pacific
Depot Landmark District Boundaries

The Lakehouse District has the following character-defining features:

- Streetscapes of primarily wood frame, single-family houses
- Mix of Queen Anne and revival architectural styles from 1885–1925
- Similar scale of construction and setbacks with mature landscaping providing a “cohesive setting for the houses”
- Relatively consistent use of painted wood siding and stucco exterior finishes

Fifteen contributing, but not individually qualifying historic architectural resource properties are located outside the project site but in the study area. The properties at 394, 410, 420, 426, 436, and 446 West San Fernando Street, 119 Delmas Avenue, and 117, 125, 131, 137, 149, 155, 163, and 169 Gifford Avenue were constructed between 1885 and 1924. All are contributors to the Lakehouse District that have some portion of their property boundaries on or within the 200-foot project radius. Individual assessor’s numbers, property names, and construction dates for these resources are listed in Table 3.3-1.

396 West San Fernando Street (Chiappe House)

396 West San Fernando Street (APN 259-45-030) was designed by local architect Theodore Lenzen and constructed in 1891 for the Fortunato Chiappe family. Chiappe was an Italian-born immigrant who arrived in California in 1865 and settled in San José in 1875. He and his family owned and operated a grocery store at 199 West San Fernando Street. The property at 396 West San Fernando Street has the following character-defining features:

- Queen Anne architectural styling
- Neoclassical accents—pilaster-like ornament within the window mullions, bas-relief swags in the window paneling, Corinthian columns on the front porch, eave dentils, gable end medallions
- Stained glass
- Extensive spindlework

In addition to being a contributing property to the locally significant Lakehouse Historic District, the house is individually significant for its association with prominent local architect Theodore Lenzen and for its exemplary use of Queen Anne architectural detail mixed with Neoclassical elements.⁷¹ The property has been determined individually eligible for listing in the National and California Registers for Criterion C/3 (Architecture).

398 West San Fernando Street (Owen House)

398 West San Fernando Street (APN 259-45-029) was constructed in 1888 for Clifford J. Owen, the eldest son of *San José Mercury* publisher J. J. Owen. Clifford served as both an assistant editor and president of the *San José Mercury* until 1899. The residence is located on a prominent corner lot and is historically significant as for its exemplary use of the Queen Anne architectural style.⁷²

⁷¹ Primary: 396 W. San Fernando, 1999.

⁷² Primary: 398 W. San Fernando, 1999.

The property at 398 West San Fernando Street has the following character-defining features:

- Queen Anne architectural styling
- Prominent tower with a steeply pitched bell-cast hipped roof
- Extensive porches
- Octagonal hoods over round dormer windows
- Decorative hoods over select rectangular windows
- Decoratively cut shingles
- Carved wood trim and decorative elements
- Extensive spindlework

In addition to being a contributing property to the Lakehouse Historic District, the property is historically significant for its architectural design as an “exceptional example of the Queen Anne style in San Jose.”⁷³ The property has been determined individually eligible for listing in the National and California Registers under Criterion C/3 (Architecture).

416 West San Fernando Street (Parks-Rae House)

416 West San Fernando Street (APN 259-45-055) was constructed in 1899 for Edward E. Parks. The building was designed by architect H. F. Woehl. While constructed by Parks, the first known occupant was James A. Rae ca. 1900. At that time, the address was 426 West San Fernando Street. Rae’s family lived in the house until 1931. By 1963, the Rebollar family occupied the building. It remained in their ownership until at least 2006.

This Queen Anne cottage exemplifies the residential design and character of the neighborhood before 1926. It is historically significant for its exemplary use of the Queen Anne architectural style. Before 2006, the property was given a status code of 2S2, signifying that it is an individual property determined eligible for the National Register by a consensus through the Section 106 process and that it is listed in the California Register.⁷⁴

The property at 416 West San Fernando Street has the following character-defining features:

- Queen Anne architectural styling
- Front-facing gable with an angled bay window
- Leaded glass window
- Fishscale gabled siding
- Front porch with turned spindles and entry
- Cantilevered bay window on the east elevation
- Wood panel detailing above and below bay windows
- Wood frieze, water table, eave, and soffit decoration

⁷³ Primary: 398 W. San Fernando, 1999.

⁷⁴ Architectural Resources Group, DPR 523B: 416 W. San Fernando Street, 2006.

- Carved wood trim and decorative elements, including hanging brackets with arched supports
- Extensive spindlework

In addition to being a contributing property to the Lakehouse Historic District, the property has been found individually eligible for listing in the National Register and is listed in the California Register.⁷⁵

454 West San Fernando Street (Arata House)

454 West San Fernando Street (APN 259-48-019) was constructed in 1911 by Colomba Arata.⁷⁶ The design was taken from the *Book of Designs*, published by famed local architects Frank D. Wolf and Charles McKenzine in 1907. It is a reversed version of plan number 64. Charles McKenzie was the architect of record. The property at 454 West San Fernando Street has the following character-defining features:

- Corner orientation with rounded corner-facing architectural features: roof, stairs, porch
- Complex, layered massing
- Variety of decorative window configurations: quatrefoil, spindle-muntins, multi-lite
- Bell-eave bay window
- Corinthian porch columns
- Decorative wood window brackets

This residence is on a prominent corner lot and is recognized as both a contributor to the pre-1926 architectural character of the Lakehouse District and for its association with the prominent architectural firm Wolfe and McKenzie. As such, the property has been determined individually eligible for listing in the National and California Registers.⁷⁷ The 2006 documentation notes the property is eligible for listing under Criteria A/1 (Events and Trends) and C/3 (Architecture).

124 Delmas Avenue (Brohaska-Dalis House)

124 Delmas Avenue (APN 259-45-095) was constructed in 1911 by Theodore Brohaska on a lot that he had owned as early as 1887.⁷⁸ The Brohaska family was known locally as a musically talented family who promoted the fine arts and performed widely throughout the area. At the time of construction, Theodore sat on the San José Common Council. The house was sold in the early 1920s to Peter and Mamie Dalis. Peter Dalis, a native of Greece, was orphaned at the age of 5 and raised in a Greek Orthodox monastery. While there, he learned to make hats, a profession that he

⁷⁵ Architectural Resources Group, DPR 523B: 416 W. San Fernando Street, 2006. The 2006 documentation for this property notes an existing (2006) status code of 2S2, indicating that the property has been determined individually eligible for listing in the National Register by consensus through the Section 106 process. This determination would also automatically list the property in the California Register. However, the reasons for this determination are not provided. The 2006 documentation is specific to contributions of the property to the Lakehouse Historic District.

⁷⁶ Architectural Resources Group, DPR 523B: 454 W. San Fernando Street, 2006.

⁷⁷ The 2006 documentation for this property notes an existing (2006) status code of ENR, indicating that the property has been determined individually eligible for listing in the National Register. However, the reasons for this determination are not provided. The 2006 documentation is specific to contributions of the property to the Lakehouse Historic District but does note that it is eligible under Criteria 1 and 3.

⁷⁸ Architectural Resources Group, DPR 523B: 124 Delmas Avenue, 2006.

maintained in San José while operating the Dalis Hat Works and Cleaners for more than 60 years. Peter and Mamie resided at the residence until Peter's death in 1967.

Irene Dalis was born in 1925, while the family resided at 124 Delmas Avenue. Irene was a gifted singer who eventually became the lead mezzo-soprano with the Metropolitan Opera in New York City. When she retired in 1977, Irene returned to San José and facilitated the donation of the house to Santa Clara County and designation of the property as a City Landmark in 1980. As late as 2006, the house was used as an interim residence for visiting performers.

The property at 124 Delmas Avenue has the following character-defining features:

- Craftsman design including square columns, deep eaves, and mixed finished materials
- Recessed entry with front and side porch and Craftsman-style front door
- Multi-lite windows, including transoms
- Fieldstone stringers flanking the front steps
- Cantilevered square-bay window with simple shed roof

In addition to being a contributing property to the Lakehouse Historic District, the property is historically significant for "its associations with both the Brohaska and Dalis families."⁷⁹ The property is listed as a City Landmark.

Historic Resources Inventory Listed/Eligible Properties in the Study Area (Not Considered Historical Resources under CEQA)

In the study area, there are 14 properties that are listed or have been identified as eligible for listing on the City's HRI as Identified Structures or Structures of Merit. These properties do not qualify as historic architectural resources under CEQA and are not included in the impact analysis below. However, in the interest of full disclosure, these properties are listed in **Table 3.3-2** and described in Appendix E1 and/or **Appendix E2**.

Archaeological Resources Sensitivity Assessment

The prehistoric and historical contexts and background research outlined above provide information about the general activities that occurred in the project vicinity and the changes to the landscape that may affect the potential for the presence of archaeological resources.

Archaeological sensitivity considers both prehistoric and historic land uses, as well as historic and modern changes that may have previously affected archaeological resources. The archaeological sensitivity assessment analyzes whether the overall project site contains, or has *sensitivity* for, archaeological resources, independent of construction plans and planned project-related ground disturbance. The sensitivity assessment is then combined with an analysis of project-related ground disturbance to determine the *potential* to encounter archaeological resources during construction.

⁷⁹ Architectural Resources Group, DPR 523B: 124 Delmas Avenue, 2006.

**TABLE 3.3-2
ARCHITECTURAL RESOURCES IN THE STUDY AREA LISTED OR ELIGIBLE FOR THE CITY OF SAN JOSÉ
HISTORIC RESOURCES INVENTORY (NOT HISTORICAL RESOURCES UNDER CEQA)**

APN	Address	Resource Name (Date)	Status	Source
259-25-037	541 W. Julian Street	(1885)	Structure of Merit	City of San José
259-27-003	357 N. Montgomery Street	Puccio Machine & Welding Works (ca. 1941)	Structure of Merit	ARG (2020)
259-29-008	210 N. Montgomery Street	(1895)	Structure of Merit	City of San José
259-29-013	270 N. Montgomery Street	(1905)	Structure of Merit	City of San José
259-29-020	255 N. Autumn Street	Holeman's Auto Repair (1946)	Structure of Merit	City of San José
259-29-022	211 N. Autumn Street	(1905)	Structure of Merit	City of San José
259-29-026	151 N. Autumn Street	(1930)	Structure of Merit	City of San José
259-29-087	263 N. Autumn Street	(1920)	Structure of Merit	City of San José
259-38-009	35 S. Autumn Street	(ca. 1880)	Structure of Merit	ARG (2020)
259-38-088	91 S. Autumn Street	Poor House Bistro (ca. 1910)	Structure of Merit	ARG (2020)
259-45-057	101 Delmas Avenue	Delmas Market (1940)	Structure of Merit	A&A (2006)
259-48-012	102 S. Montgomery Street	Patty's Inn (ca. 1890s)	Structure of Merit	ARG (2020)
259-48-012	338 Royal Street	(1900)	Structure of Merit	City of San José
264-20-059	562-564 W. San Carlos Street	(1950)	Identified Structure	City of San José

NOTES:

APN = Assessor's Parcel Number

Bold indicates property located within the project site boundaries.

SOURCE: Architectural Resources Group, *Historical Resources Technical Report, Downtown West Mixed-Use Plan, San José, California*, June 2020; City of San José.

Background Research

A records search of the project site at the NWIC of the California Historical Resources Information System was completed on August 23, 2019 (File No. 19-0347). The records search included a review of previous studies, records, and maps on file at the NWIC. The records search area consisted of the project site and a surrounding half-mile radius. The purpose of the records search was to:

- Determine whether known cultural resources have been recorded within or adjacent to the project site;
- Assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby cultural resources, including those outside of the site boundary; and
- Develop a context for the identification and preliminary evaluation of cultural resources.

The records search included a review of the California Office of Historic Preservation’s Historic Properties Directory, with summary information from the National Register, Registered California State Landmarks, and California Historic Points of Interest; the Archaeological Determinations of Eligibility; and the California Inventory of Historical Resources.

Background research indicates that no previously recorded archaeological resources are within the project site, two previously recorded archaeological resources are immediately adjacent to the project site, and 13 additional recorded archaeological resources are within a half-mile radius (Table 3.3-3).

**TABLE 3.3-3
 ARCHAEOLOGICAL RESOURCES WITHIN 0.5 MILES OF THE PROJECT SITE**

Primary Number	Trinomial	Site Type (Description)	Year(s) Analyzed
P-43-000141	CA-SCL-128/H	Prehistoric, historic (very large indigenous village site with numerous burials, artifact deposits, and features; historic foundations and artifacts)	1973, 1974, 1977, 1984, 2011
P-43-000369	CA-SCL-363H	Historic (remnants of the Amesquita Adobe, including artifacts and adobe foundations)	1979, 1984, 2003, 2017
P-43-000583	CA-SCL-588H	Historic (Rafael Rodriguez site, including redwood features and artifacts)	1984
P-43-000625	CA-SCL-693H	Historic (artifact deposit)	1990
P-43-000951	—	Prehistoric (burial)	1996
P-43-000952	—	Prehistoric (burial)	1996
P-43-000953	—	Prehistoric (burial)	1996
P-43-000954	—	Prehistoric (re-burial location)	1996
P-43-000955	—	Prehistoric (isolated buried mortar)	1996
P-43-001269	CA-SCL-837	Prehistoric (isolated human burial)	2000
P-43-001279	CA-SCL-846/H	Prehistoric, historic (large indigenous burial site with numerous artifacts; historic refuse related to railroad)	2002, 2003
P-43-001495	CA-SCL-844/H	Prehistoric, historic (large indigenous burial site with artifacts; historic artifacts)	2003, 2004
P-43-001617	CA-SCL-855/H	Historic (artifact scatter associated with railyards)	2004
P-43-003125	CA-SCL-938H	Historic (large artifact deposits)	2014
—	—	Historic (artifact deposits)	2019

SOURCE: Search of the California Historic Resources Information System, Northwest Information Center, in 2019.

The nearest recorded archaeological resources to the project site are P-43-000141 and P-43-000369. Prehistoric site P-43-000141 (CA-SCL-128/H) has been the focus of numerous archaeological investigations since the early 1970s. The urban environment of Downtown San José conceals all surface evidence of the site, as it is overlain with buildings, pavement, landscaping, and fill. More than 50 burials were identified, along with numerous features and artifacts. Mission-era beads, privies, and deposits and post–Gold Rush artifacts were also identified.

Historic-era site P-43-000369 (CA-SCL-363H) is the remains of the Amesquita Adobe, and includes adobe brick footings associated with the adobe and remnants of other former building foundations, including the Antonio Sunol Mill and the Dickey-Mano dwelling. Historic-era artifact deposits, including one associated with Chinatown, have been identified on the block.

Eight additional prehistoric archaeological resources have been previously recorded in the records search area. Site P-43-001495 included four prehistoric burials and associated funerary objects on the east side of the Guadalupe River. The burials were encountered during mechanical excavations for a box culvert, approximately 8 to 10 feet bgs. After recording, the burials and artifacts were reburied outside of the project site.

An extensive, multicomponent archaeological site (P-43-001279) consisting of both prehistoric and historic-era archaeological materials was identified on the east side of the Guadalupe River. The prehistoric component consisted of 49 burial features and associated funerary objects, which were encountered 6 to 7 feet bgs. The burials were beneath the historic-era component, which included a broad sheet refuse deposit associated with the San Francisco and San José Railroad.

Three individual prehistoric burials were uncovered on the west side of the Guadalupe River: P-43-000951, P-43-000952, and P-43-000953. The burials were excavated and reburied (P-43-000954; outside of the project site). In addition, an isolated groundstone mortar (P-43-000955) was identified in the vicinity.

A single isolated set of human remains (P-43-001269) was encountered southwest of the project site. Little information is known about this site, other than that the human remains consisted of 11 bone fragments and there were no associated artifacts or other cultural remains.

In addition to P-43-000141 and P-43-000369 described above, five other historic-era archaeological resources have been identified and recorded in the records search radius. Site P-43-001325 is a group of three historic-era features encountered and recorded during archaeological investigations for the Autumn Street alignment. Archaeological testing identified several historic-era features from the late 19th to early 20th centuries, three of which appear to be eligible for listing in the California Register. The features contained domestic items from three different households dating from the 1870s to early 1900s. In addition, the archaeologists encountered at least 23 other historic-era features and the presence of a 1-foot-thick paleosol (buried stable land surface) located 5.5 to 6 feet bgs. No prehistoric archaeological resources were observed in association with the paleosol.

Site P-43-001617, north of the project site, is a broad sheet refuse scatter associated with a former switchyard and maintenance facility for the Southern Pacific and Union Pacific Railroads. Two small historic-era domestic deposits (P-43-000583 and P-43-000625) have been recorded to the east/north of the project site: one on the west side of the Guadalupe River and one on the east side.

Recently, Environmental Science Associates identified 13 isolated, historic-era features on an intact 19th century land surface that extended across large areas on a block located approximately one block east of the project site. Five features were discrete artifact deposits and a single privy pit, recovered in its entirety, that are currently undergoing laboratory analysis.

Prehistoric Archaeological Sensitivity

For the purpose of this study, an analysis of prehistoric archaeological sensitivity is based on three factors:

- The archaeological sensitivity of geologic formations that underlie the project site;
- Whether the site was in the vicinity of present or former watercourses; and
- The presence of recorded prehistoric archaeological resources in the project vicinity.

The project site is underlain by Holocene-age alluvial deposits. Holocene-age alluvial deposits have the potential to contain buried paleosols. Numerous deeply buried sites have been uncovered in the Santa Clara Valley, at depths varying between 1 foot and more than 10 feet bgs. However, not all Holocene-age deposits are equally sensitive for buried archaeological resources. In addition, the project site is adjacent to the Guadalupe River and Los Gatos Creek (the nearest water sources), and numerous significant prehistoric archaeological resources have been recorded in the vicinity.

Archaeological sites generally occur in specific environmental settings, including level or near-level areas near present or former watercourses, such as perennial streams, or near water bodies such as lakes, bays, estuaries, and oceans at the mouths of perennial streams. This is the case because of the increased diversity and greater concentration of plant and animal populations in those environmental settings and the access to potable water. In the Bay Area, the majority of recorded prehistoric archaeological sites are within approximately 0.5 miles (2,500 feet) of the historic bay margin or perennial watercourses, and sensitivity for prehistoric archaeological sites diminishes substantially in areas greater than 0.5 miles from a water source.⁸⁰

Although no prehistoric archaeological remains have been recorded within the project site, several prehistoric archaeological resources have been recorded in the vicinity. All of these sites are adjacent to the Guadalupe River.

If prehistoric archaeological resources are present, they could be at various depths on the project site, from immediately below the ground surface to buried beneath several feet of alluvial soils (10 feet or more). As described above, previous researchers encountered a substantial, 1-foot-thick paleosol at a depth of 5.5 to 6 feet bgs during archaeological investigations. This suggests that there is a sensitive subsurface stratum for prehistoric archaeological resources associated with the paleosol. This observation is consistent with findings from nearby prehistoric archaeological sites, where remains (including human burials) were encountered 6 to 10 feet bgs.

Table 3.3-4 provides a block-by-block assessment of the sensitivity for prehistoric archaeological resources on the project site, corresponding to Figure 2-3, *Land Use Plan*. In summary, there is high sensitivity for prehistoric archaeological resources across the project site. In areas where substantial ground disturbance has occurred, such as subsurface basements or major excavation, the potential could be lessened. Areas of moderate sensitivity reflect that some of the block may have archaeological potential while other portions of the block appear to have been highly disturbed.

⁸⁰ Meyer, J., and J. Rosenthal, *Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4*. Prepared for California Department of Transportation, District 4, Oakland, June 2007.

**TABLE 3.3-4
OVERVIEW OF PREHISTORIC AND HISTORIC-ERA ARCHAEOLOGICAL SENSITIVITY**

Block Number^a	Sanborn Map 1884	Sanborn Map 1891	Sanborn Map 1915	Sanborn Map 1950	Existing Conditions	Prehistoric Archaeological Sensitivity	Historic-Era Archaeological Sensitivity
A1	No map	Scattered dwellings with associated outbuildings; J. Z. Anderson Fruit Drying [Sheet 60a]	Scattered dwellings; empty lots [Sheet 132]	Richmond Chase Co. canned goods warehouse [Sheet 132]	Pitco Foods warehouse	High sensitivity	High sensitivity
A1	No map	J. Z. Anderson Packing Company buildings [Sheet 60a]	Castle Bros. and J. K. Armsby fruit packing buildings [Sheet 132]	Richmond Chase Co. cooling and storage buildings; box factory [Sheet 132]	Parking lot	High sensitivity	Low sensitivity
A1	No map	Dwellings and associated outbuildings [Sheet 60b]	Dwellings and associated outbuildings; A&C Hamm fruit packing buildings [Sheet 133]	California Prune Growers Assoc.; storage; parking [Sheet 133]	Storage warehouse	High sensitivity	High sensitivity
B1	No map	Dwellings and associated outbuildings; hay barn [Sheet 60b]	Dwellings and associated outbuildings [Sheet 133]	Garage; boiler shop; machine shop; dwellings with outbuildings [Sheet 133]	Small shops; dwellings	High sensitivity	High sensitivity
C1/3	Scattered dwellings and associated outbuildings [Sheet 14b]	Dwellings and associated outbuildings; Rising Sun Bakery [Sheet 61a]	Lumber yard; San José Ice and Cold Storage; dwellings and associated outbuildings [Sheet 134]	Lumber yard; box distributors; gas tank [Sheet 134]	Parking lot	High sensitivity	High sensitivity
C2	Railroad line and associated buildings; Farmer's Lumber and Wood Yard; Garden City Gas Works; two dwellings and associated outbuildings; hay barns [Sheet 14b]	Railroad line and associated buildings; Garden City Gas Works; two dwellings and associated outbuildings [Sheet 61b]	Railroad line and associated buildings; San José Ice and Cold Storage [Sheet 152]	Pacific Gas and Electric Company [Sheet 152]	Parking lot	High sensitivity	High sensitivity
D1	Foundry and machine shop; Windmill manufacturer; Alameda Hotel; saloon; Chinese washhouse; numerous dwellings and associated outbuildings [Sheet 15b]	Poor-quality map [Sheet 65b]	Numerous stores; Chinese laundry; saloon; dense dwellings with outbuildings [Sheet 173]	Restaurant; saloons; motorcycle repair; junk yard; auto shop; dwellings [Sheet 173]	Parking lot	High sensitivity	High sensitivity

**TABLE 3.3-4
 OVERVIEW OF PREHISTORIC AND HISTORIC-ERA ARCHAEOLOGICAL SENSITIVITY**

Block Number^a	Sanborn Map 1884	Sanborn Map 1891	Sanborn Map 1915	Sanborn Map 1950	Existing Conditions	Prehistoric Archaeological Sensitivity	Historic-Era Archaeological Sensitivity
D4	Hay warehouse and stable; saloon; dwellings and associated outbuildings [Sheet 16a]	Dwellings and associated outbuildings; saloon; blacksmith; hay and feed barn [Sheet 62a]	Dwellings and associated outbuildings; machine shop [Sheet 163]	Western Pump Company; machine shop; auto sales; auto repair; welding shop; storage [Sheet 163]	Parking lot	High sensitivity	High sensitivity
D8-13	Scattered dwellings and associated outbuildings; hay barn; saloon [Sheet 16a]	Scattered dwellings and associated outbuildings [Sheet 62a]	Stores; saloon; dwellings and associated outbuildings [Sheet 163]	Stores; private garage; auto body shop; dwellings and associated outbuildings [Sheet 163]	Small shops; warehouses	High sensitivity	High sensitivity
E1/2/3	Numerous barns and outbuildings; one dwelling; Los Gatos Creek (dry in summer) [Sheet 16a]	Dwellings and associated outbuildings; San Jose Water Company; dwellings and associated outbuildings [Sheet 62b]	Hubbard & Carmichael Lumberyard; San Jose Water Company; dwellings and associated outbuildings [Sheet 88]; Lumber yard; dwellings and associated outbuildings [Sheet 163]	Steam laundry; dwellings and associated outbuildings; San Jose Water Company; dwellings and associated outbuildings [Sheet 88]	Parking lot; water company buildings	High sensitivity	High sensitivity
D5/6	Dwellings and associated outbuildings [Sheet 16a]	Dwellings and associated outbuildings [Sheet 62a]	Dwellings and associated outbuildings [Sheet 163]	Cabinet shop; auto shop; dwellings and associated outbuildings [Sheet 163]	Small shops; warehouses	High sensitivity	High sensitivity
D7	Dwellings and associated outbuildings [Sheet 16a]	Dwellings and associated outbuildings [Sheet 62a]	Dwellings and associated outbuildings [Sheet 163]	Dwellings and associated outbuildings [Sheet 163]	Buildings; parking	High sensitivity	High sensitivity
F1	Scattered dwellings and associated outbuildings; boarding house [Sheet 27b]	Poor-quality map [Sheet 66a]	Dwellings and associated outbuildings [Sheet 174]	Warehouses; dwellings and associated outbuildings [Sheet 174]	Parking lot	High sensitivity	High sensitivity
F2	One dwelling and associated outbuildings [Sheet 26a]	Scattered dwellings and associated outbuildings [Sheet 66a]	Dwellings and associated outbuildings [Sheet 165]	Laundry; wholesale electrical supplies; pipe warehouse; dwellings and associated outbuildings [Sheet 165]	Empty lot	High sensitivity	High sensitivity
F4/6	Scattered dwellings and associated outbuildings [Sheet 26a]	Poor-quality map [Sheet 66a]	Gillespie Lumber Yard [Sheet 165]	Iron Works buildings and storage [Sheet 165]	Buildings; parking	High sensitivity	Moderate sensitivity

**TABLE 3.3-4
 OVERVIEW OF PREHISTORIC AND HISTORIC-ERA ARCHAEOLOGICAL SENSITIVITY**

Block Number^a	Sanborn Map 1884	Sanborn Map 1891	Sanborn Map 1915	Sanborn Map 1950	Existing Conditions	Prehistoric Archaeological Sensitivity	Historic-Era Archaeological Sensitivity
F3/5	Scattered dwellings and associated outbuildings [Sheet 27b]	Poor-quality map [Sheet 66a]	Scattered dwellings and associated outbuildings [Sheet 174]	Sunlight Baking; contractors' storage yard; dwellings and associated outbuildings [Sheet 174]	Large warehouse; empty lot	High sensitivity	High sensitivity
G1	One dwelling and associated outbuildings [Sheet 27b]	Poor-quality map [Sheet 66a]	Scattered dwellings and associated outbuildings [Sheet 164]	Pacific Truck Service and Yard [Sheet 164]	Empty lot; buildings	High sensitivity	High sensitivity
H1	No map	No map	Empty lots [Sheet 164]	Auto service [Sheet 164]	Buildings; parking	High sensitivity	Unknown sensitivity
H2	No map	No map	Scattered dwellings and associated outbuildings [Sheet 164]	Scattered dwellings and associated outbuildings [Sheet 164]	Car wash; dwellings	High sensitivity	Moderate sensitivity
H3/4	No map	No map	No map	Dwellings and associated outbuildings [Sheet 169]; wholesale Orchard Supply buildings [Sheet 171]	Parking lot; warehouse and parking	High sensitivity	High sensitivity

NOTE:

^a Block numbers correspond to an initial block numbering scheme provided by the project applicant that is similar to Figure 2-3, *Land Use Plan*.

SOURCES:

Sanborn, Fire Insurance Maps. Available at <http://sanborn.umi.com>;
 Wentworth, C. M., M. C. Blake Jr., R. J. McLaughlin, and R. W. Graymer, *Preliminary Geologic Map of the San José 30x60-Minute Quadrangle, California: A Digital Database*;
 U.S. Geological Survey, Open-File Report 98-795, Menlo Park, CA, 2002.

Historical Archaeological Sensitivity

Varying degrees of development have occurred on the project site. The earliest Sanborn Fire Insurance maps from 1884 indicate that some blocks were fully developed with manufacturing facilities, businesses, and residences. Other blocks were sparsely developed with scattered residential dwellings. Some blocks remained undeveloped.

Manufacturing and processing, especially fruit packing and lumber yards, were established on the project site during the late 1800s and early 1900s, as shown on the subsequent series of Sanborn Fire Insurance maps from 1915. Proximity to the railroad had spurred development; however, large portions of the project site remained residential or moderately developed.

The 1950 Sanborn Fire Insurance maps indicate even more development, including demolition of blocks of residential dwellings for construction of large manufacturing warehouses. Since 1950, many additional buildings have been removed, and large surface parking lots have been established. Small pockets of historic-era development remain throughout the project site.

At least six documented historic-era archaeological sites are within a half-mile radius of the project site, including a number of historic-era features encountered adjacent to the project site. In addition, numerous other historic-era deposits have been recorded in San José, including the Woolen Mills/Market Street Chinatown projects and the Heinlerville/San José Corporation Yard Project.

Based on historic Sanborn Fire Insurance maps and the presence of nearby historic-era archaeological resources, there is generally high sensitivity for subsurface features associated with late 19th and early 20th century occupation to be preserved below the existing development across the project site. The presence of modern construction and surface parking lots does not lessen the likelihood that potentially eligible artifacts may be present, unless the modern construction included deep excavation to more than 12 feet deep for basements or subsurface parking garages.

San José has many examples of historic-era archaeological features preserved beneath modern development. Sensitivity is also based on the types of historic-era resources that would be present (i.e., artifact-filled wells and privies or industrial operations). Table 3.3-4 provides a block-by-block assessment of the sensitivity for historic-era archaeological resources. In addition, the proposed new footbridge that would cross Los Gatos Creek would be installed in an area that has a moderate historic-era archaeological sensitivity and could potentially affect historic-era archaeological materials and features.

For the off-site improvements that occur outside of the blocks identified in Table 3.3-4, work is generally expected to be minor (e.g., restriping, minor roadway reconfigurations) and is anticipated to only require up to 1 foot of subsurface disturbance. Historic-era archaeological sensitivity in existing roadways has a lessened potential and the with the limited ground disturbance the sensitivity of these areas is considered to be low.

3.3.2 Regulatory Framework

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966, as amended (U.S. Code Title 54, Section 306108), and its implementing regulations established the National Register of Historic Places as a comprehensive inventory of known historic resources throughout the United States. The National Register is administered by the National Park Service under the direction of the Secretary of the Interior. It includes buildings, structures, sites, objects, and districts that possess historic, architectural, archaeological, engineering, or cultural significance. A property is considered significant if it meets the criteria for listing in the National Register at Code of Federal Regulations Title 36, Section 60.4 (36 CFR 60.4), as stated below:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and that:

- A. Are associated with events that have made a significant contribution to the broad patterns of our history, or
- B. Are associated with the lives of persons significant in our past, or
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.

If a federal action is required for implementation of a project, National Historic Preservation Act Section 106 requires federal agencies to consider the effects of the undertaking on historic properties (properties listed in or eligible for listing in the National Register) and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on any undertaking that would adversely affect properties eligible for listing in the National Register. The Section 106 review normally involves a four-step procedure, which is described in detail in the implementing regulations (36 CFR Part 800). The four steps can be summarized as follows:

- 1. Identify historic properties in consultation with the State Historic Preservation Office and interested parties.
- 2. Assess effects.
- 3. Consult with the State Historic Preservation Office and others to develop and execute an agreement regarding the treatment of historic properties.
- 4. Proceed with the project according to the agreement.

Secretary of the Interior's Standards and Guidelines

The Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) outline four specific approaches to the treatment of historic properties: preservation, restoration,

rehabilitation, and reconstruction. CEQA references these standards when considering the significance of project impacts, or mitigation of said impacts on historic structures.

Of these approaches, rehabilitation is the most commonly applied set of standards. The Secretary of the Interior's Standards for Rehabilitation are as follows:⁸¹

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

State

California Register of Historical Resources

The California Register is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1(a)). Certain resources are determined by law to

⁸¹ The exact wording of the standards varies depending on the source. These are taken from National Park Service, Technical Preservation Services website. Available at <https://www.nps.gov/tps/standards.htm>. Accessed March 30, 2020.

be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register.

To be eligible for the California Register, a historical resource must be significant at the federal, state, or local level under one or more of the following criteria (PRC Section 5024.1(c)):

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- (2) Is associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

Integrity is the authenticity of a historic resource's physical identity as shown by the survival of characteristics that existed during the period of significance. For a resource to be eligible for the California Register, it must also retain enough integrity to be recognizable as a historic resource and to convey the reasons for its significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. A resource that does not retain sufficient integrity to meet the National Register criteria may still be eligible for listing in the California Register.

California Public Resources Code and Tribal Cultural Resources

In 2014, the California Legislature enacted Assembly Bill (AB) 52, which added provisions to the Public Resources Code regarding the evaluation of impacts on tribal cultural resources under CEQA, and requirements to consult with California Native American tribes. In particular, AB 52 requires lead agencies to analyze project impacts on tribal cultural resources separately from archaeological resources (PRC Sections 21074 and 21083.09). AB 52 defines "tribal cultural resources" in PRC Section 21074 and requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC Sections 21080.3.1, 21080.3.2, and 21082.3).

A *tribal cultural resource* is defined in PRC Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying the criteria set forth in PRC Section 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.

California Public Resources Code Sections 5097.98 and 5097.99

PRC Section 5097.98 (reiterated in CEQA Guidelines Section 15064.5(e)) identifies steps to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery. PRC Section 5097.99 prohibits obtaining or possessing any Native American artifacts or human remains that are taken from a Native American grave or cairn (stone burial mound).

California Health and Safety Code Section 7050.5

California Health and Safety Code Section 7050.5 protects human remains by prohibiting the disinterment, disturbance, or removal of human remains from any location other than a dedicated cemetery.

Senate Bill 18

Senate Bill 18 requires local governments to consult with tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in California Government Code Section 65300 et seq.) and specific plans (defined in Government Code Section 65450 et seq.). The proposed project includes several General Plan amendments; therefore, the Senate Bill 18 consultation process is applicable.

Local

Historic Preservation Ordinance

The City of San José Historic Preservation Ordinance (Municipal Code Chapter 13.48) is designed to identify, protect, and encourage the preservation of significant resources as a means to stabilize neighborhoods, enhance property values, carry out the goals of the General Plan, foster civic pride in the city's cultural resources, and celebrate the unique historical identity of San José. The Historic Preservation Ordinance requires the City to do all the following:

- Establish a Historic Landmarks Commission and retain a City historic preservation officer.
- Maintain a Historic Resources Inventory.
- Preserve historic properties using a landmark designation process.
- Project the community character of historic neighborhoods by regulating Conservation Areas.
- Require a Historic Preservation (HP) permit for alterations of any designated City Landmark (excluding candidate landmarks) or property within a City Landmark historic district.
- Provide financial incentives through a Mills Act Historical Property Contract.

In addition to all other applicable laws and regulations, Municipal Code Section 13.48.210 requires HP permits for:

[C]onstruction, reconstruction, alteration, basic color change, repair, rehabilitation, restoration, remodeling, or any other changes to the exterior of any structure or any other similar activity ... [including] installation of new or additional pavement or sidewalks or the erection of new or additional structures. Work [subject to the HP permit process] shall also include installation of new or additional pavement or sidewalks or the erection of new or additional structures. Work shall also include demolition, removal, or relocation of any structure or portion thereof.

In accordance with Municipal Code Chapter 13.48, Part 3, additional reviews, assessments, and submission materials may be required during the HP permit process. This may include development of and required adherence to project design standards and guidelines by City staff in consultation with the Historic Landmarks Commission and as approved by the City Council.

City of San José Historic Resources Inventory

The City of San José HRI identifies known and potential historic resources of varying significance, including individual properties and districts listed in or eligible for listing in the California and National Registers, City Landmarks, Candidate City Landmarks, City Landmark Districts (and their contributing sites/structures), and Candidate City Landmark Districts (and their contributing sites/structures). In addition, the HRI identifies Structures of Merit, Identified Sites/Structures, Conservation Areas, and Conservation Area Contributing Sites/Structures. HRI properties are classified into one of 16 categories, depending on how they were evaluated at the time they were added. The HRI serves as a resource for conducting environmental and project review related to demolition permits, as well as for land use and development approvals. It is not a definitive list of all historic resources in the city of San José, and it is continually updated as new information, project-related evaluations, and neighborhood surveys are completed. The purpose of the HRI is to promote awareness of community resources and to further preservation of historic resources and community character.

City Landmarks, Candidate City Landmarks, Landmark Districts, and Candidate Landmark Districts

As presented in Municipal Code Section 13.48.020(C), designated or candidate City Landmarks and City Landmark Districts (and their contributors) are highly significant historic resources. They are designated by the City Council through a formal process as defined in the Historic Preservation Ordinance. These resources are considered historic resources under CEQA.

A designated City Landmark must conform to the General Plan and have special historical, architectural, cultural, aesthetic, or engineering value of a historic nature. In making a recommendation to the City Council on a proposed City Landmark, the Historic Landmarks

Commission may consider many relevant factors as outlined in Municipal Code Section 13.48.110(H) such as:

[I]ts character, interest or value as part of the local, regional, state or national history, heritage or culture; its location as a site of a significant historic event; its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history; its exemplification of the cultural, economic, social or historic heritage of the City of San José; its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style; its embodiment of distinguishing characteristics of an architectural type or specimen; its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José; and its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

Structures of Merit, Identified Sites/Structures, and Conservation Areas

Structures of Merit, Identified Sites/Structures, Conservation Areas (including their contributing sites/structures), and Contributing Sites/Structures that are not associated with a Conservation Area or Candidate or Landmark District are categories of buildings that contribute to the historic fabric of the city or neighborhood and are typically placed on the HRI by the Historic Landmarks Commission. The General Plan presents several policies to prioritize preserving these categories of “historic structures of lesser significance.” These policies are intended to promote awareness of community resources and to further preservation of historic resources.

It should be noted that many buildings listed in the HRI have been identified through reconnaissance-level surveys only. Therefore, the presence of a Structure of Merit, Identified Sites/Structures, or Contributing Sites/Structures not associated with a larger district in the HRI is not considered an official determination of eligibility for inclusion in the National Register or California Register, or designation as a City of San José Landmark. Rather, HRI listing is an indication that unless recently evaluated for national, state, or local listing, further research may be needed to determine whether or not an HRI resource is an eligible historic resource for the purposes of CEQA.⁸²

Conservation Areas

City of San José Conservation Areas are defined in Municipal Code Section 13.48.610 as “a geographically definable area of urban or rural character with identifiable attributes embodied by: architecture, urban design, development patterns, setting, or geography; and history.” The General Plan includes policies to encourage preservation of conservation areas under Goal LU-14, Historic Structures of Lesser Significances. No Conservation Areas or Conservation Area contributing sites/structures are located within the project site or the larger study area.

⁸² In compliance with this provision, all properties located within the project site and containing buildings greater than 45 years of age have been subjected to further research and analysis. Refer to Appendix E1 for detailed information regarding this analysis.

City Council Policy on the Preservation of Historic Landmarks

The City Council Policy on the Preservation of Historic Landmarks (as adopted December 8, 1998 and amended May 23, 2006) calls for preservation of candidate or designated landmark structures, sites, or districts wherever possible. Projects involving these resources must include detailed analysis of the buildings and the feasibility of preserving and/or adaptively reusing them whenever possible and prudent to do so. To promote this policy, the City has developed historic design guidelines that promote various methods for the adaptive reuse and maintenance of older/historic structures and establish a general framework for evaluating applications involving historic preservation issues.

The City offers a number of historic preservation incentives, including use of the State Historic Building Code, Mills Act/Historical Property Contract, and various tax credits. This policy is also referred to as the “Early Referral Policy,” requiring early project review by the Historic Landmarks Commission.⁸³ This policy requires the following when a project affects any historic architectural resource under CEQA including new construction within a qualifying historic district:

- 1. Early Public Notification of Proposals to Alter or Demolish a Candidate or Designated Landmark Structure or to Impact the Integrity of a Historic District.** In order to allow greater public input into decisions affecting historic landmarks, early public notification should be initiated in response to either of the following: (1) receipt by the City of a development application for a project proposing to alter the original character of a candidate or designated landmark structure or to potentially impact the integrity of a landmark district, or (2) prior to action by the City Council or Redevelopment Agency Board of Directors to commit public funding or other assistance to such a project or for acquisition of property containing a candidate or designated landmark structure or potentially impacting the integrity of a landmark district. Such notification shall be provided to the City Council, Historic Landmarks Commission and representatives of the historic preservation community.
- 2. Public Input and City Council Review.** As soon after the public notification as possible, public meetings on the proposed project shall be scheduled, as follows. In the case of a private development project with no City or Redevelopment Agency funding involved, the Historic Landmarks Commission shall hold a public meeting on the proposed project, to receive public comment and provide recommendations regarding information to be included in the analysis of the proposed project. In the case of a project incorporating City or Redevelopment Agency funding or other assistance, or acquisition of property containing a candidate or designated landmark structure or a structure or site located within a landmark district, the City Council shall agendize discussion of the project to receive public comment and provide early direction to the appropriate staff that either: (1) the project should continue forward through the appropriate review process, or (2) the Council does not support the proposed project and further staff work shall be discontinued.
- 3. Preparation of Complete Information regarding Opportunities for Preservation of Landmark Structure [sic], and/or the Integrity of the Landmark District.** The analysis of a proposed project which will alter the original character of a candidate or designated landmark structure or potentially impact the integrity of a landmark district shall include complete historic, architectural, and cultural documentation of the significance of the candidate or designated landmark structure, site, district, or

⁸³ The proposed project was referred to the Historic Landmarks Commission, consistent with this policy, on January 15, 2020.

compatibility of new construction within a landmark district, a comprehensive evaluation of the economic and structural feasibility of preservation and/or adaptive reuse of the structure, and an analysis of potential funding sources for preservation. This information shall be carefully reviewed and then be given strong consideration in the decision making process for a project proposing to alter a candidate or designated landmark structure or the integrity of a district. Every effort should be made to preserve and incorporate existing landmark structures into the future plans for a site and the surrounding area, and to preserve the integrity of landmark districts.

4. **Findings Justifying Alteration or Demolition of a Landmark Structure, or Impact to the Integrity of a Landmark District.** Final decisions to alter or demolish a candidate or designated landmark structure or to impact the integrity of a landmark district, must be accompanied by findings which either (1) document that it is not reasonably feasible for any interested party to retain the candidate or designated landmark structure or the integrity of the district, or (2) which record the overriding considerations which warrant the loss of the candidate or designated landmark structure or district integrity. The financial profile and/or preferences of a particular developer should not, by themselves, be considered a sufficient rationale for making irreversible decisions regarding the survival of the City’s historic resources.
5. **Financial Resources for Preservation.** The City and Redevelopment Agency should identify City, state, and federal funding resources to support and encourage the preservation and adaptive reuse of candidate or designated landmark structures, sites, or districts.

Envision San José 2040 General Plan

The General Plan includes numerous policies to promote reduction or avoidance of impacts on historic and cultural resources at a range of significance levels ranging from the National and California Registers, and local Landmark-level resource through those of lesser significance such as Structures of Merit and Conservation Areas. The policies listed in **Table 3.3-5** are relevant to the proposed project.

**TABLE 3.3-5
 GENERAL PLAN POLICIES REGARDING CULTURAL RESOURCES**

Vibrations	
Policy EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV [inches per second peak particle velocity] will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.
Landmarks and Districts	
Policy LU-13.1	Preserve the integrity and fabric of candidate or designated Historic Districts.
Policy LU-13.2	Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.
Policy LU-13.3	For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping, and residential areas.

**TABLE 3.3-5
 GENERAL PLAN POLICIES REGARDING CULTURAL RESOURCES**

Policy LU-13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
Policy LU-13.6	Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.
Policy LU-13.7	Design new development, alterations, and rehabilitation/remodels within a designated or candidate Historic District to be compatible with the character of the Historic District and conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.
Policy LU-13.8	Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to the character of the nearby Historic District or landmark.
Policy LU-13.10	The City's public works projects (street lights, street tree plantings, sidewalk design, etc.) shall promote, preserve, or enhance the historic character of Historic Districts.
Policy LU-13.11	Maintain and update an inventory of historic resources in order to promote awareness of these community resources and as a tool to further their preservation. Give priority to identifying and establishing Historic Districts.
Policy LU-13.13	Foster the rehabilitation of buildings, structures, areas, places, and districts of historic significance. Utilize incentives permitting flexibility as to the uses; transfer of development rights; tax relief for designated landmarks and districts; easements; alternative building code provisions for the reuse of historic structures; and financial incentives.
Policy LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.
Policy LU-13.20	Explore funding options and techniques to proactively conduct additional historic surveys and to maintain and update the City's Historic Resources Inventory. As funding allows, undertake comprehensive area-wide surveys of the city to identify potential Historic Districts, Cultural Landscapes at the City's edge, and significant buildings and/or structures, including Traditional Cultural Properties.
Action LU-13.21	Implement strategic General Plan and zoning changes as indicated by federal, state or municipal "historic" or "conservation area" designations, in order to maintain neighborhood vitality and character and to preserve the integrity of historic structures located within those neighborhoods. To preserve predominantly single family historic neighborhoods, rezone residential structures located in these areas to a single-family zoning designation.
Historic Structures of Lesser Significance	
Policy LU-14.2	Give high priority to the preservation of historic structures that contribute to an informal cluster or a Conservation Area; have a special value in the community; are a good fit for preservation within a new project; have a compelling design and/or an important designer; etc.
Policy LU-14.4	Discourage demolition of any building or structure listed on or eligible for the HRI as a Structure of Merit by pursuing the alternative of rehabilitation, re-use on the subject site, and/or relocation of the resource.
Site Development	
Policy IP-10.3	In addition to a Site Development permit, require an Historic Preservation permit for modifications to a designated Historic Landmark structure. This permit process fosters the implementation of the Historic Preservation goals and policies of this General Plan.

**TABLE 3.3-5
GENERAL PLAN POLICIES REGARDING CULTURAL RESOURCES**

Archaeology and Paleontology	
Policy ER-10.1	For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.
Policy ER-10.2	Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
Policy ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources

SOURCE: City of San José, *Envision San José 2040 General Plan*, adopted November 1, 2011 (amended March 16, 2020). Available at <https://www.sanjoseca.gov/home/showdocument?id=22359>. Accessed January 16, 2020.

Diridon Station Area Plan and Update

The Diridon Station Area Plan (DSAP) (2014) and Update (2017) include a number of land use and planning objectives regarding the future uses and character of neighborhoods surrounding Diridon Station. Specific objectives that concern cultural resources include:

- Expand Diridon Station to create a well-integrated center of architectural and functional significance.
- Enhance the existing neighborhoods and add high-density residential-commercial mixed-use development within the study area and to act as a catalyst for similar developments in surrounding areas.

In addition, the DSAP EIR identifies the following standard measures to which subsequent projects would be subject and that would reduce and avoid impacts on historic resources:

- **Supplemental Review.** Supplemental evaluation will be required for future projects that would affect properties that may meet the CEQA definition of historic resources, including properties greater than 45 years of age. If the property is less than 45 years of age, seek the comment of the San José Historic Preservation Officer regarding any concerns the City may have regarding the proposed action and its effects on the property.
 - At a minimum, the supplemental review effort shall include preparation of a site-specific historic resources report that involves a records search at the NWIC, a review of the San José Historic Resources Inventory, and where there is no evaluation within the last 5 years (using the Department of Parks and Recreation 523A and B forms), evaluation by a qualified historian or architectural historian to determine if the property meets the CEQA definition of a historic resource.
 - If the supplemental review effort does not identify any site or structure that meets the definition of a historic resource and could be affected by construction activities, then no further study or protection is necessary prior to project implementation.
 - The evaluations would include consideration of criteria for Traditional Cultural Properties and Cultural Landscapes.

- **Evaluate Potential Districts.** At the time redevelopment is proposed for the area bounded by North Montgomery Street, West Julian Street, West St. John Street, and the Guadalupe River (including the Dennis Residence), the area will be evaluated for its potential to be considered a historic district or Conservation Area. Other areas with a concentration of historic buildings will also be evaluated for potential district status.⁸⁴
- **Secretary of the Interior’s Standards.** New construction within historic districts or adjacent to a historic resource will be required to conform to the *Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, California Historic Building Code, and other applicable regulations.
- **Conform to Guidance.** A qualified historian or architectural historian should review all plans for any development within the Lakehouse Historic District to ensure conformity with applicable design guidelines, and, if necessary, provide technical assistance to achieve such conformity.

Evaluation of potential districts shall be in accordance with the criteria and designation processes outlined in Municipal Code Section 13.148, Part 2. Evaluations should include applicable criteria for national, state, and local program eligibility and be carried out by professionals who meet or exceed the Secretary of the Interior’s Professional Qualification Standards for History or Architectural History. Evaluations shall be coordinated with, reviewed, and approved by the Director of Planning, Building and Code Enforcement, or the Director’s designee.

The DSAP Final EIR goes on to state that:

*If a future project proposes removal of a historic resource, the supplemental analysis shall address the feasibility of avoiding adverse impacts through project redesign, rehabilitation, or reuse of the resource. Preservation in place is always the preferred measure for mitigating direct impacts to historic resources. If the resource is to be preserved on the property, specific measures to protect the integrity of the structure and its setting will be identified. If impacts to the historic resource cannot be avoided, all feasible measures shall be implemented to reduce the magnitude of the impact. At a minimum, the City would require “Documentation” and “Commemoration” efforts. Additional measures could include relocation, incorporation of the resources into the project, and/or salvage. However, even with implementation of these measures, demolition of a historic resource would result in a significant unavoidable impact. In such cases, additional environmental review will be required.*⁸⁵

In addition to planning policies dedicated to reduction of impacts on historic architectural resources under CEQA, the City of San José has General Plan policies in place to guide decision making with regard to properties that have historical value but do not meet the criteria for listing in the National Register or California Register, or for designation as City Landmark or Candidate City Landmark buildings or districts. Many properties listed in the HRI that are eligible as

⁸⁴ Where the DSAP area overlaps with the project site, these efforts have taken place. ARG evaluated the known and potential historic resources within the project area, including the potential for historic districts and conservation areas. No new historic architectural districts or conservation areas were identified as a result of this analysis. Refer to Appendix E1 for more information.

⁸⁵ City of San José, *Diridon Station Area Plan Integrated Final Program Environmental Impact Report*, State Clearinghouse No. 2011092022, August 2014, p. 222.

Structures of Merit fall into this category (Table 3.3-5). While not historic architectural resources under CEQA, they do require additional planning review with a treatment plan included in development permits. Where a project involves demolition of one or more Structures of Merit as listed in the City's HRI, the DSAP EIR identifies the following additional standard measures to which such a project would be subject:

- **Documentation.** Prior to the demolition of any Structure of Merit, the structure will be photo-documented to an archival level utilizing 35mm photography and consisting of selected black and white views of the building to the following standards:
 - *Cover sheet*—The documentation shall include a cover sheet identifying the photographer, providing the address of the building, common or historic name of the building, date of construction, date of photographs, and photograph descriptions.
 - *Camera*—A 35mm camera.
 - *Lenses*—No soft focus lenses. Lenses may include normal focal length, wide angle and telephoto.
 - *Filters*—Photographer's choice. Use of a pola screen is encouraged.
 - *Film*—Must use black and white film; tri-X, Plus-X, or T-Max film is recommended.
 - *View*—Perspective view—front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure with aesthetic considerations necessary, but secondary.
 - *Lighting*—Sunlight is usually preferred for exteriors, especially of the front façade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs.
 - *Technical*—All areas of the photograph must be in sharp focus.

The project shall coordinate the submission of the photo-documentation, including the original prints and negatives, to History San José. Digital photos may be provided as a supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and shall be submitted with the above documentation. The above shall be accompanied by a transmittal stating that the documentation is submitted as a Standard Measure to address the loss of the historic resource which shall be named and the address stated and coordinated with the Director of Planning, Building and Code Enforcement, or the Director's designee.

- **Relocation or Salvage.** Prior to demolition, the City will offer each of the buildings for relocation. If an entity or individual is interested in relocating the building to a new site, the costs and liability of the relocation will be borne entirely by that entity/individual. The City's "offer for relocation" will be placed in a newspaper of general circulation, posted on a website, and posted on the sites for a period of no less than 30 days. In the event that relocation is not possible, prior to demolition the structure and site shall be retained and made available for salvage to the general public and companies facilitating the reuse of historic building materials.

The DSAP EIR modifies the HP permit process to include specific steps for when the above actions are not sufficient to reduce or eliminate impacts on historic resources:

If a future project proposes removal of a historic resource, the supplemental analysis shall address the feasibility of avoiding adverse impacts through project

redesign, rehabilitation, or reuse of the resource. Preservation in place is always the preferred measure for mitigating direct impacts to historic resources. If the resource is to be preserved on the property, specific measures to protect the integrity of the structure and its setting will be identified. If impacts to the historic resource cannot be avoided, all feasible measures shall be implemented to reduce the magnitude of the impact. At a minimum, the City would require “Documentation” and “Commemoration” efforts.⁸⁶ Additional measures could include relocation, incorporation of the resources into the project, and/or salvage. However, even with implementation of these measures, demolition of a historic resource would result in a significant unavoidable impact.

San José Standard Conditions of Approval

The City’s Standard Conditions of Approval (SCAs) relevant to the proposed project’s archeological and architectural resources impacts are presented below. If the proposed project is approved by the City, all applicable SCAs would be adopted as conditions of approval/permit conditions. The project applicant would be required, as applicable, to implement the SCAs during project construction and operation to address impacts on subsurface cultural resources and vibration impacts on historic buildings. The SCAs are incorporated and required as part of the project, so they are not listed as mitigation measures.

SCA CR-1: Subsurface Cultural Resources. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or the Director’s designee shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall:

1. Evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and
2. Make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials.

A report of findings documenting any data recovery shall be submitted to Director of Planning, Building and Code Enforcement, or the Director’s designee, and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

SCA CR-2: Human Remains. If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and PRC Sections 5097.9 through 5097.99, as amended per AB 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement, or the Director’s designee, and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the

⁸⁶ The DSAP Final EIR defines these terms: “‘Documentation’ refers to the completion of documentation in conformance with the Secretary of the Interior’s Standards for Architectural and Engineering Documentation, Historical American Building Survey (HABS). ‘Commemoration’ refers to the creation of an interpretative exhibit(s) or documentary display(s) that increase public awareness of the resource and its historical significance.”

remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a most likely descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site;
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

SCA CR-3: Vibration Impacts to Adjacent and Nearby Historic Buildings. The project applicant shall implement the following measures prior to and during construction:

- Prohibit impact, sonic, or vibratory pile driving methods. Drilled piles cause lower vibration levels where geological conditions permit their use. (Also refer to Mitigation Measure CU-4, below.)
- Limit other vibration-inducing equipment to the extent feasible.
- Submit a list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams) to the Director of Planning, Building and Code Enforcement or the Director's designee. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.

3.3.3 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this EIR, a cultural resources or tribal cultural resources impact would be significant if implementing the proposed project would:

- Cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines Section 15064.5;
- Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5;
- Disturb any human remains, including those interred outside of formal cemeteries; or
- Cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074.

As stated previously, for the purposes of CEQA, historic resources are those resources listed or determined eligible for listing in the National Register or California Register, or as being designated or meeting the criteria for designation as City Landmarks and City Landmark Districts, including Candidate City Landmarks and Candidate City Landmark Districts. These include contributors to

districts that also meet these criteria. Structures of Merit, Identified Sites/Structures, Conservation Areas (including their contributing sites/structures), and Contributing Sites/Structures that are not associated with a Candidate or Landmark District are eligible for listing in the HRI and contribute to the historic fabric of San José but do not qualify as historic resources for the purposes of CEQA. They are presented in the preceding discussion for disclosure purposes and are not included in the impacts discussion below.

Approach to Analysis

Historic Resources

Potential impacts on historic resources were assessed by identifying any activities (during either construction or operations) that could affect resources identified as historic resources for the purposes of CEQA.

CEQA and CEQA Guidelines

Once a resource has been identified as a CEQA historic resource, it must be determined whether the project's impacts would "cause a substantial adverse change in the significance" of the resource (CEQA Guidelines Section 15064.5(b)). A substantial adverse change in the significance of a historic resource means "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired" (CEQA Guidelines Section 15064(b)(1)). A historical resource is considered materially impaired through the demolition or alteration of the resource's physical characteristics that convey its historical significance and that justify its inclusion in the California Register (CEQA Guidelines Section 15064.5(b)(2)(A)).

Where potential impacts on historical resources are identified, CEQA Guidelines Section 15126.4(b) states that compliance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* will generally reduce potential impacts to a less-than-significant level. In addition, "in some circumstances, documentation of an historical resource ... as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur" (CEQA Guidelines Section 15126.4(b)(2)).

City of San José Municipal Code

The City of San José requires additional review when modifications to historic architectural resources under CEQA are proposed. As outlined in Municipal Code Chapter 13.48, alteration to or demolition of a City Landmark Structure or City Landmark District must follow a series of additional planning, findings, and entitlement reviews as presented in Section 3.3.2, *Regulatory Framework*.

Diridon Station Area Plan Consistency

The project site substantially overlaps with the boundaries of the DSAP. The DSAP EIR states that:

Future development and infrastructure improvement projects in the Plan area could directly or indirectly affect historic resources, including those that are currently listed and those that have yet to be identified and evaluated. Examples of direct impacts include demolition, relocation, or inappropriate or unsympathetic modification (e.g., use of incompatible materials, designs, or construction techniques in a manner that alters character-defining features). Indirect impacts could occur if:

- *new construction conflicts with or isolates historic buildings or structures;*
- *changes to the historic fabric or setting materially impair the resource's ability to convey its significance; and/or*
- *there is deliberate incremental deterioration due to inaction/neglect, lack of occupancy, or inappropriate uses.*

Physical changes to a historic resource or its immediate surroundings such that the resource's ability to convey its significance is materially impaired would be considered a significant impact.

To maintain consistency with the DSAP EIR, the analysis of the proposed project's impacts on historic resources presented below follows the above parameters.

Archaeological Resources

Archaeological resources can include historical resources according to CEQA Guidelines Section 15064.5, as well as unique archaeological resources as defined in CEQA Guidelines Section 21083.2(g). The significance of most prehistoric and historical archaeological sites is usually assessed under National Register and California Register Criteria D/4. These criteria stress the importance of the information potential contained within the site, rather than its significance as a surviving example of a type or its association with an important person or event. Although it is less common, archaeological resources may also be assessed under National Register and California Register Criteria A/1, B/2, and/or C/3, as described in Section 3.3.2, *Regulatory Framework*.

Impacts on unique archaeological resources or archaeological resources that qualify as historical resources are assessed pursuant to CEQA Section 21083.2, which states that the lead agency shall determine whether the project may have a significant effect on archaeological resources. As with architectural resources above, whether the impacts of the project would "cause a substantial adverse change in the significance" of the resource must be determined (CEQA Guidelines Section 15064.5(b)).

Human Remains

Human remains, including those buried outside of formal cemeteries, are protected under several state laws, including PRC Section 5097.98 and Health and Safety Code Section 7050.5. These

laws are identified in Section 3.3.2, *Regulatory Framework*. Specifically, CEQA Guidelines Section 15064.5(d) requires a lead agency to work with Native Americans to develop an agreement for treating, with appropriate dignity, human remains and any items associated with the burials. Upon discovery of human remains that the county coroner determines to be Native American in origin, the Native American Heritage Commission identifies the person or persons it believes to be the most likely descendant from the deceased Native American. This analysis considers impacts on human remains including intentional disturbance, mutilation, or removal of interred human remains.

Tribal Cultural Resources

A *tribal cultural resource* is defined as a site feature, place, cultural landscape, sacred place, or object that is of cultural value to a tribe that is either on or eligible for the California Register or a local historic register, or that the lead agency, at its discretion, chooses to treat as a tribal cultural resource. Impacts on tribal cultural resources are assessed in consultation with affiliated Native American tribes in accordance with PRC Section 21080.3. This analysis considers whether the project would cause a substantial adverse change in the significance of any tribal cultural resource.

Impact Analysis

Historic Architectural Resources

Impact CU-1: The proposed project would demolish historic architectural resources, resulting in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. (*Significant and Unavoidable*)

The project would result in the demolition of five historic architectural resources under CEQA: 343 North Montgomery Street/Advance Metal Spinning, 345 North Montgomery Street/Circus Ice Cream, 580 Lorraine Avenue/Democracy Hall, 145 South Montgomery Street/Sunlite Baking Co., and the grouping of residences at 559, 563, and 567 West Julian Street (refer to Figure 3.3-2). Each of these resources is described in more detail in Section 3.3.1, *Environmental Setting*, under *Existing Cultural and Historical Setting*, and briefly below. The properties would be demolished and replaced with open space, offices, and residential uses. This demolition would be a significant impact.

The project would also partially demolish one historic architectural resource under CEQA (40 South Montgomery Street/43-57 South Autumn Streets/Kearney Pattern Works and Foundry), which includes a series of building expansions that occurred over many decades. The resource is significant as a reflection on “the broader shifts and patterns in the region’s prevailing industries ... [and its] role in producing specialized tools and equipment required for their commercial success.”⁸⁷ The complex is eligible for National Register and California Register listing under Criteria A/1 (Events and Trends) and as a Candidate City Landmark with a period of significance of 1922–1949, marking its establishment through the end of World War II. However, the project proposes demolition of the sections of the property located at 43–57 South Autumn Street, which were constructed between the 1950s and the 1990s, outside the period of significance for the

⁸⁷ Architectural Resources Group, DPR form-set for 40 S. Montgomery and 43–57 S. Autumn Streets, January 2020.

property. Thus, demolition of these non-contributing buildings and features would not result in a significant impact on this historic resource. Refer to Impact CU-2 for more information.

The project would demolish the following historical resources:

- **559, 563, and 567 West Julian Street (APN 259-27-009)**—This grouping of three small residences is significant because they “are representative of the residential use that defined its immediate area in the late nineteenth and early twentieth century, and their proximity strengthens their ability to communicate this association.”⁸⁸ The grouping appears to be eligible for Candidate City Landmark Status.
- **343 North Montgomery Street (Advance Metal Spinning, APN 259-27-014)**—This Streamline Moderne commercial building is significant “because it is a local example of industrial architecture with Streamline Moderne elements and conveys the physical landscape of the neighborhood as it was during World War II and in the early postwar era.”⁸⁹ The building appears to be eligible for Candidate City Landmark Status.
- **345 North Montgomery Street (Circus Ice Cream, APN 259-27-015)**—This Streamline Moderne commercial building is significant “because it is a local example of Streamline Moderne industrial architecture and conveys the physical landscape of the neighborhood as it was during World War II and in the early postwar era.”⁹⁰ The building appears to be eligible for Candidate City Landmark Status.
- **580 Lorraine Avenue (Democracy Hall, APN 259-47-040)**—This Modernist-style masonry building is significant as a rare non-residential example of master architect Henry Hill along with his associate John Kruse, and as the only known extant example of Hill’s work in San José.⁹¹ The building appears to be eligible for National Register and California Register listing under Criteria C/3 (Architecture) and as a Candidate City Landmark.
- **145 South Montgomery Street (Sunlite Baking Co., APN 261-35-027)**—This building is the former Sunlite Baking Company. It is significant for its association with the Gilliland family and as a distinctive local example of the Art Moderne style designed by prominent architect Ralph Wyckoff.⁹² The building appears to be eligible for National Register and California Register listing under Criteria B/2 (People) and C/3 (Architecture) and as a Candidate City Landmark.

Demolition is considered a substantial adverse change to an historic resource and a significant impact under CEQA.⁹³ Therefore, this impact would be **significant**. Demolition of a historic architectural resource (including the partial demolition of non-historic features on a Candidate City Landmark site described above) is subject to the Council Policy on Historic Landmarks, 2006, but not to the provisions for an HP permit, as set forth in Municipal Code Chapter 13.48, Part 3, because the properties are not designated City Landmarks.

The DSAP addresses impacts related to demolition by requiring supplemental analysis for individual projects such as this one, as well as implementation of “all feasible measures ... to reduce the

⁸⁸ Architectural Resources Group, DPR form-set for 559 West Julian Street, January 2020.

⁸⁹ Architectural Resources Group, DPR form-set for 343 North Montgomery Street, January 2020.

⁹⁰ Architectural Resources Group, DPR form-set for 345 North Montgomery Street, January 2020.

⁹¹ Architectural Resources Group, DPR form-set for 580 Lorraine Avenue, January 2020.

⁹² Architectural Resources Group, DPR form-set for 145 South Montgomery Street, January 2020.

⁹³ California Office of Historic Preservation, *Technical Assistance Series #1: California Environmental Quality Act (CEQA) and Historical Resources*, 2001.

magnitude of the impact.” The DSAP specifically stipulates documentation and commemoration efforts as well as “relocation, incorporation of the resources into the project, and/or salvage.” The mitigation measures provided below are proposed for adoption as conditions of approval of the Downtown West Mixed-Use Plan and include all of the techniques called for in the DSAP with the exception of incorporation into the project, which is analyzed in Chapter 5, *Alternatives*. In addition, the action of building relocation is presented as an option only for those structures that are deemed to be reasonable candidates for relocation, meaning that the buildings are likely to survive a move with their historic fabric largely intact (or repairable) if a suitable site can be found.

To identify reasonable candidates for relocation, a historic-resource move feasibility study was prepared in June 2020 (Appendix E3).⁹⁴ The study identifies existing conditions for each resource proposed for demolition, its construction, and a proposed methodology for relocating each resource should an appropriate receiver site be identified. Reasonable candidates for relocation include portions of the 18,000-square-foot (sf) building at 145 South Montgomery Street constructed in 1936; the residential buildings at 559, 563, and 567 West Julian Street; the front office portion (but not the warehouse portion) of the building at 343 North Montgomery Street; and the building at 345 North Montgomery Street. The remainder of 145 South Montgomery Street and 343 North Montgomery Street and the entire building at 580 Lorraine Avenue are not deemed good candidates for relocation because of their irregular construction, poor construction quality, and instability if separated into movable segments; their walls would need to be cut vertically and horizontally into numerous manageable pieces, greatly affecting the historic fabric.⁹⁵

Mitigation Measures

Mitigation Measure CU-1a: Documentation

Before the issuance of a demolition and/or relocation permit and under the direction of the Director of Planning, Building and Code Enforcement or the Director’s designee, the project applicant shall prepare documentation of all historic architectural resources under CEQA subject to demolition and/or relocation. This includes **343 North Montgomery Street; 345 North Montgomery Street; 559, 563, and 567 West Julian Street; 145 South Montgomery Street; and 580 Lorraine Avenue**. Each resource shall be photo-documented to an archival level utilizing 35 mm photography and consisting of selected black-and-white views of the building to the following standards:

- *Cover sheet*—A cover sheet identifying the photographer, providing the address of the building, common or historic name of the building, date of construction, date of photographs, and photograph descriptions.
- *Camera*—A 35mm camera.
- *Lenses*—No soft-focus lenses. Lenses may include normal focal length, wide angle, and telephoto.
- *Filters*—Photographer’s choice. Use of a pola screen is encouraged.

⁹⁴ Garden City Construction, “Downtown West Mixed Use Plan – Historic Resource Move Feasibility,” memo, prepared for Google/Lendlease, June 29, 2020.

⁹⁵ Garden City Construction, “Downtown West Mixed Use Plan – Historic Resource Move Feasibility,” memo, prepared for Google/Lendlease, June 29, 2020.

- *Film*—Black-and-white film only; tri-X, Plus-X, or T-Max film is recommended.
- *View*—Perspective view—front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure, with aesthetic considerations necessary but secondary.
- *Lighting*—Sunlight usually preferred for exteriors, especially of the front façade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs.
- *Technical*—Sharp focus required for all areas of the photograph.

The project applicant shall coordinate the submission of the photo-documentation, including the original prints and negatives, to History San José. Digital photos may be provided as a supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and shall be submitted with the above documentation. The above shall be accompanied by a transmittal stating that the documentation is submitted as a Standard Measure to address the loss of the historic resource, which shall be named and the address stated, with a copy provided to the Director of Planning, Building and Code Enforcement or the Director’s designee.

Mitigation Measure CU-1b: Relocation

In accordance with General Plan Policy LU-13.2, and consistent with the DSAP Final EIR’s *Measures Included in the Project to Reduce and Avoid Impacts to Historic Resources*, relocation of a historic architectural resource shall be considered as an alternative to demolition. After implementation of Mitigation Measure CU-1a, Documentation, and prior to issuance of any permit that would allow demolition of a historic architectural resource, the project applicant shall take the following actions to facilitate historic architectural resource relocation. This applies to **343 North Montgomery Street (partial); 345 North Montgomery Street; 559, 563, and 567 West Julian Street; and 145 South Montgomery Street (partial)**.⁹⁶

- (1) **Relocation Outreach.** The project applicant shall advertise the availability for relocation of historic architectural resources subject to Mitigation Measure CU-1b, Relocation. A dollar amount equal to the estimated cost of demolition, as certified by a licensed contractor, and any associated Planning Permit fees for relocation shall be offered to the recipient of the building who is willing to undertake relocation and rehabilitation after relocation. Advertisement and outreach to identify an interested third party shall continue for no less than 60 days. The advertisements shall include notification in at least one newspaper of general circulation and on online platforms as appropriate, including at a minimum the *San Jose Mercury News* (print and online), and the City of San José Department of Planning, Building and Code Enforcement’s Environmental Review website. Noticing shall be compliant with City Council Policy 6-30: Public Outreach Policy and shall include posting of a notice, on each building proposed for demolition, that is no smaller than 48 x 72 inches and is visible from the public right-of-way.⁹⁷ Satisfaction of the notification provisions shall be subject to review by the Director of Planning, Building and Code Enforcement or

⁹⁶ Garden City Construction, “Downtown West Mixed Use Plan – Historic Resource Move Feasibility,” memo, prepared for Google/Lendlease, June 29, 2020.

⁹⁷ Current noticing protocols for *On-Site Noticing/Posting Requirements for Large Development Proposals* can be found at <https://www.sanjoseca.gov/home/showdocument?id=15573>.

the Director’s designee following completion of the minimum 60-day public outreach period, before the issuance of demolition permits.

- (2) **Relocation Implementation Plan(s).** If, before the end of the outreach period, an interested third party (or parties) expresses interest in relocating and rehabilitating one or more of the resources to a suitable site under their ownership or control, they shall be allowed a period of up to 60 days to prepare and submit a Relocation Implementation Plan, and an additional 120 days to complete removal of the resources from the project site. The Relocation Implementation Plan(s) shall be prepared in consultation with historic preservation professionals who meet or exceed the *Secretary of the Interior’s Professional Qualification Standards*. The plan(s) shall be based on the findings of the *Downtown West Mixed-Use Plan—Historic Resource Move Feasibility* memo and *Site Selection Criteria for Relocation of Identified Historic Resources* memo (EIR Appendix E3) or subsequent relocation feasibility documentation, to support relocation of the historic resource to a site outside of the project site and acceptable to the City.⁹⁸

The Relocation Implementation Plan for each resource shall include:

- A description of the intended relocation receiver site and an analysis of its compatibility with the unique character, historical context, and prior physical environment of the resource;
- A description and set of working drawings detailing methods and means of securing and bracing the building through all stages of relocation;
- A site plan for the receiver site demonstrating compliance with all setback and zoning requirements;
- A travel route survey that records the width of streets, street lamp and signal arm heights, heights of overhead utilities that may require lifting or temporary removal, and other details necessary for coordinating the relocation;
- A scope of work for building rehabilitation following completion of relocation, and anticipated timing to initiate and complete such rehabilitation; and
- Roles and responsibilities between the interested party, project applicant, City staff, and outside individuals, groups, firms, and/or consultants as necessary.

Once the Relocation Implementation Plan(s) have been reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director’s designee, implementation of the approved relocation shall occur within 120 days.

- (3) **Rehabilitation after Relocation.** After relocation of the resource(s) and pursuant to General Plan Policy LU-13.6 and CEQA Section 15064.5(3), parties responsible for relocation shall also be responsible for rehabilitation of the building(s) on their new site(s) as specified in the Relocation Implementation Plan. Resource(s) shall be secured on a foundation and repaired to ensure that each resource remains in good condition and is usable for its intended purpose, and that all modifications are sensitive to those elements that convey the

⁹⁸ Garden City Construction, “Downtown West Mixed Use Plan – Historic Resource Move Feasibility,” memo, prepared for Google/Lendlease, June 29, 2020; Architectural Resources Group, *Site Selection Criteria for Relocation of Identified Historic Resources*, memo, prepared for Google/Lendlease, August 7, 2020.

resource's historical significance. All repairs and modifications shall be consistent with the *Secretary of the Interior's Standards and Guidelines for Rehabilitation* and related permits shall be subject to review by the Director of Planning, Building and Code Enforcement or the Director's designee.

Mitigation Measure CU-1c: Interpretation/Commemoration

As part of the Downtown West Design Standards and Guidelines conformance review for each new building on the site of one or more demolished resources, the project applicant, in consultation with a qualified architectural historian and design professional, and under the direction of the Director of Planning, Building and Code Enforcement or the Director's designee, shall develop an interpretive program that may include one or more interpretive displays, artworks, electronic media, smartphone apps, and other means of presenting information regarding the site's history and development. The program shall concentrate on those contextual elements that are specific to the resources that have been demolished. Display panels, if included in the interpretive program, shall be placed at, or as near as possible to, the location where the resource was historically located. The interpretive program shall be approved prior to the issuance of demolition permit(s) for the historical resource(s) to be demolished and shall be fully implemented and/or installed before the issuance of a certificate of occupancy for the applicable new building(s).

Mitigation Measure CU-1d: Salvage

Before the demolition of any historic resource on the site that is not relocated, the subject building shall be made available for salvage to companies or individuals facilitating reuse of historic building materials, including local preservation organizations. Noticing for salvage opportunities shall include notification in at least one newspaper of general circulation and online platforms as appropriate, including at a minimum the *San Jose Mercury News* (print and online) and the City of San José Department of Planning, Building and Code Enforcement's Environmental Review website. Noticing shall be compliant with City Council Policy 6-30: Public Outreach Policy and shall include a notice, on each building proposed for demolition, that is no smaller than 48 x 72 inches and is visible from the public right-of-way.⁹⁹ The time frame for materials salvage shall be 30 days after the initial 60 days noticing for relocation.

Significance after Mitigation: Complete implementation of Mitigation Measures CU-1a and CU-1b, including successful relocation of historic architectural resources to appropriate receiver sites and completion of rehabilitation according to the Secretary of the Interior's Standards, would substantially reduce impacts on these resources. However, impacts cannot be reduced to a less-than-significant level. First, the building at 580 Lorraine Avenue and portions of two other buildings are not reasonable candidates for relocation; therefore, it is not feasible to implement Mitigation Measure CU-1b with respect to the entirety of those resources. Additionally, with respect to the other resources proposed for demolition, there are no appropriate receiver sites within the project boundary that would allow for development of the project as proposed. It is likely that one or more resources could not be feasibly relocated off-site because of the lack of a party willing to accept the relocated resource and/or the inability to identify an appropriate receiver site that is legally and commercially available. In addition, even with

⁹⁹ Current noticing protocols for *On-Site Noticing/Posting Requirements for Large Development Proposals* can be found at <https://www.sanjoseca.gov/home/showdocument?id=15573>.

off-site relocation, the historic resources would be removed from their historical surroundings and isolated from the any related buildings in the area. Their setting and historical context would be irrevocably altered. Because of this loss of context and setting, while successful relocation would reduce the severity of the impact, impacts cannot be mitigated to a less-than-significant level.

In the event that relocation is not feasible for one or more of the resources, Mitigation Measures CU-1a, CU-1c, and CU-1d would lessen the severity of the impacts associated with demolition by documenting and commemorating each resource's historical features, and making historic building materials available for salvage. However, these measures would not reduce the impact to a less-than-significant level, and no other feasible measures are available that could be assured to reduce the impact to a less-than-significant level. The impact on historic architectural resources as a result of demolition remains **significant and unavoidable**.

Impact CU-2: The proposed project would relocate, construct an addition to, and adaptively reuse the historic portions of 40 South Montgomery Street (Kearney Pattern Works and Foundry). This could result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. (*Less than Significant with Mitigation*)

The 40 South Montgomery Street building, a Candidate City Landmark, was constructed in phases between 1922 and 1993. Those sections constructed before 1950 (APNs 259-38-028 and 259-38-029) are considered as contributing to the historical significance of the resource.¹⁰⁰ These portions primarily front South Montgomery Street, with side elevations facing the parking lot to the north and adjacent development to the south. The project proposes to extend Post Street between South Montgomery and South Autumn Streets. This would necessitate relocating the historic portions of 40 South Montgomery Street approximately 30 feet to the south to create the necessary clearance for the Post Street extension. The historic portions of 40 South Montgomery Street have been assessed as a candidate for relocation. This assessment concluded that the building is a viable candidate for relocation and that the process could be completed by moving it in one or more parts to its new location 30 feet to the south.¹⁰¹ The orientation and relationships between the historic portions of 40 South Montgomery Street and the surrounding environment would remain the same. Non-historic portions of the building, primarily fronting South Autumn Street, would be demolished.

The 40 South Montgomery Street property is currently built out to the west and north lot lines. It faces South Montgomery Street (west) and surface parking (north). The building is visible from a wide angle, approximating a corner lot placement. As such, the entire north and west elevations of the building are visible. The proposed relocation would maintain these relationships. The building would be moved south approximately 30 feet and Post Street would be extended along the building's north elevation. The building would continue to front onto South Montgomery

¹⁰⁰ ARG, DPR: Kearney Pattern Works and Foundry, January 2020.

¹⁰¹ Garden City Construction, *Downtown West Mixed Use Plan – 40 South Montgomery – Kearny [sic] Pattern Works Move Feasibility*, memo, prepared for Google/Lendlease, August 7, 2020.

Street with no setback. The new relationship between Post Street (extended) and the continued location at the lot line along South Montgomery Street would maintain the building's corner placement.¹⁰² After relocation, the historic portion of 40 South Montgomery Street would maintain its present context, albeit approximately 30 feet south of its current location.

Although the proposed relocation would maintain the resource's historical relationships to the street grid, the potential exists for the building to be damaged during the relocation process. Without development and implementation of plans to stabilize the building during relocation and to repair and rehabilitate the building after relocation, impacts from relocation would be **potentially significant**.

Once relocated, the building would be expanded and adaptively reused to accommodate new retail, cultural, arts, education, and/or other active uses. The project proposes one or more additions on Block D5. The Downtown West Design Standards and Guidelines limit the size of additions at this location to a total footprint of 25,000 sf and up to 40 feet in height. These additions may connect to 40 South Montgomery Street through the rear (east) and face South Autumn Street in areas currently occupied by non-historic portions of the building. The additions could be taller than the existing building by up to 15 feet. While the additions would also be taller than any of the surrounding buildings on this block, this height is compatible with the general low-scale character of the primarily industrial developments nearby. In addition, by replacing non-historic portions of the building, additions in this location would not obscure or affect any currently visible character-defining features of 40 South Montgomery Street.

Historically, 40 South Montgomery Street has been used for industrial purposes. The building has a flexible layout that is adaptable to a number of potential uses and lends itself to reuse for office, retail, and/or community-oriented purposes. The interior is primarily open and suitable for a variety of uses. It also contains a high number of glazed openings, including a sawtooth monitor roof, providing ample natural light.

To avoid significant impacts, additions to and reuse of historic buildings must be sensitive to those unique architectural and historical elements that help to communicate the resource's significance. As noted earlier, these character-defining features include the building's one-story heights with a variety of rooftop windows and daylighting features (e.g., dormers, monitors), its simple, flat-sawn window and door trim, its combination of pedestrian and vehicular entrances, and its irregular plan indicative of phases of company growth. Such character-defining features must be carefully considered when adding or removing elements of the building to enable new uses or to accommodate new occupants. Without guidance or consideration, these modifications have the potential to result in substantial adverse changes to the resources. This impact would be **potentially significant**.

Because 40 South Montgomery Street is a Candidate City Landmark, and not a designated City Landmark, it is not subject to the HP permit process that applies to City Landmarks. The *Secretary of the Interior's Standards and Guidelines for Rehabilitation* provide guidance on

¹⁰² The building does not currently sit at an intersection of two streets. However, it appears to be at the corner of its block because of the openness of the parking lot to the north.

modifying historic buildings for new and expanded uses (refer to Section 3.3.2, *Regulatory Framework*). They allow for moderate changes to historic buildings, including modernization of building systems, additions to expand usable space, and introduction of contemporary materials. Projects that comply with the Standards for Rehabilitation are generally accepted to have less-than-significant impacts on historic resources (CEQA Guidelines Section 15064.5(b)(3)). Therefore, the following mitigation measures would reduce the impact of the relocation and adaptive reuse of the historical resource to a less-than-significant level.

Mitigation Measures

Mitigation Measure CU-2a: Relocation On-site

Before the issuance of any permit that would allow disturbance of the historic resource at 40 South Montgomery Street, the project applicant shall prepare a Relocation Implementation Plan that includes a detailed description of the proposed relocation methodology. At a minimum, this plan shall include detailed descriptions and drawings that indicate:

- The means and methods of securing and bracing the building through all stages of relocation;
- The proposed locations of cuts to facilitate relocation, with sections that are as large as feasible to limit damage to the historic fabric;
- Proposed siting and foundation details; and
- The approximate timetable for the completion of work, including major milestones.

All work shall be undertaken in consultation with an architect or professional who meets the *Secretary of the Interior's Historic Preservation Professional Qualifications Standards*. The Relocation Implementation Plan shall be subject to review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee.

Mitigation Measure CU-2b: Compliance with the Secretary of the Interior's Standards

Before the issuance of any permit to move or modify or expand the building at 40 South Montgomery Street, the project applicant shall submit detailed designs prepared by a qualified historic preservation architect demonstrating that all proposed relocation methodologies, including satisfaction of the provisions of Mitigation Measure CU-2a, Relocation On-site, repairs, modifications, and additions, are consistent with the Standards for Rehabilitation.

The submitted designs shall be subject to review and approval by the Director of Planning, Building and Code Enforcement or the Director's designee.

Significance after Mitigation: By ensuring that appropriate steps are taken to protect the historic resource during relocation, preserve its character-defining features, and rehabilitate and reuse it in conformance with the Secretary of the Interior's Standards, Mitigation Measures CU-2a and CU-2b would reduce the impact on 40 South Montgomery Street to **less than significant**.

Impact CU-3: The proposed project would construct one or more additions to and adaptively reuse 150 South Montgomery Street (Hellwig Ironworks). The proposed additions and modifications would result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. (*Significant and Unavoidable*)

The project calls for expansion of 150 South Montgomery Street (Hellwig Ironworks, APN 259-48-053) through one or more additions and adaptive reuse of the building to accommodate new arts and cultural uses. Modifications would incorporate general design characteristics of the existing building, such as its brick construction, angled roof, and street orientation with the intent of constructing a contemporary addition or set of additions. The building at 150 South Montgomery Street is located in the project area that would be known as “The Meander.” This area represents the geographic center of the project site and space programming calls for a variety of arts and community-focused uses to be located in and around 150 South Montgomery Street. As such, vertical and/or horizontal potential additions may be implemented at this location, designated as Block F6 in the project site plan.

The project proposes one or more vertical additions above and/or horizontal additions south of the existing structure. The Downtown West Design Standards and Guidelines (refer to Chapter 2, *Project Description*, Section 2.12, *Downtown West Design Standards and Guidelines*) would limit the cumulative size of additions to no more than 100 percent of the existing structure’s square footage (i.e., approximately 8,500 sf). Any vertical addition would not exceed one additional story, and any horizontal additions would not be taller than one story and would be set back 30 feet from the west façade of the original structure to maintain visibility to the original two-story structure. The Downtown West Design Standards and Guidelines would also require that new development on the blocks west and east of 150 South Montgomery Street maintain a minimum separation of 60 feet from the west facade of the building, and that development on the block to the north must maintain a minimum separation of 20 feet from the building’s north façade.

As stated in the applicant’s objectives for the project (refer to Chapter 2, *Project Description*, Section 2.14, *Project Objectives*), the new addition would be intended to help create an architecturally iconic civic/cultural center through a combination and juxtaposition of historic and contemporary design elements. (Figure 2-17 in Chapter 2, *Project Description*, provides an illustrative rendering of one potential design for the addition to 150 South Montgomery Street.) Construction of new additions or design features that alter, obscure, or otherwise minimize the import of the building’s character-defining features—such as the building’s two-part composition with simple gable roofs—or otherwise affect the building’s overall integrity would result in a substantial adverse change to the resource. In this case, the scale and intent of the proposed modifications to the building, including the wide range of potential styles, sizes, locations, and design implications of possible additions, make it highly likely that the changes would alter the building form and affect its integrity and thus result in a substantial adverse change in its historical significance, resulting in a **significant** impact.

Mitigation Measure

Mitigation Measure CU-1a, Documentation, and Mitigation Measure CU-1c, Interpretation/Commemoration, shall be implemented to document and commemorate the historic appearance, character, and significance of 150 South Montgomery Street.

Mitigation Measure CU-1a, Documentation (refer to Impact CU-1)

Mitigation Measure CU-1c, Interpretation/Commemoration (refer to Impact CU-1)

Significance after Mitigation: Because the purpose of the proposed building alteration is to create an architecturally iconic center by juxtaposing historical and contemporary design elements, the alteration would not likely conform to the Secretary of the Interior's Standards. Documentation and commemoration of the historic resource would reduce the severity of the impact, but would not prevent alterations or additions that are inconsistent with the Secretary of the Interior's Standards from affecting the building's integrity and resulting in a substantial adverse change in its historical significance. For this reason, the impact would be **significant and unavoidable**.

Impact CU-4: The proposed project could result in significant impacts on historical resources resulting from construction-related vibrations. (*Less than Significant with Mitigation*)

Construction on the project site would introduce new temporary sources of vibration in the vicinity of historic architectural resources. Historical masonry structures can be particularly sensitive to ground vibrations, resulting in material damage to the historic fabric. Maintaining vibration levels below a site-specific threshold would limit the potential for damage associated with construction activities. Implementing **SCA CR-3, Vibration Impacts to Adjacent and Nearby Historic Buildings**, in combination with **Mitigation Measure NO-2a, Master Construction Vibration Avoidance and Reduction Plan**, and General Plan Policy EC-3.2, would reduce potential impacts. However, this impact would be **potentially significant**. Implementation of **Mitigation Measure CU-4, Construction Vibration Operation Plan for Historic Structures**, would be required, to provide site-specific guidance related to the particular soil conditions, construction methodologies, and sensitivities of adjacent historic architectural resources.

Mitigation Measures

Mitigation Measure CU-4: Construction Vibration Operation Plan for Historic Structures

As presented in General Plan Policy EC-3.2, building damage for sensitive historic structures is generally experienced when vibration levels exceed 0.08 in/sec PPV. Section 3.10, Table 3.10-13, *Vibration Levels for Construction Activity*, lists a number of construction activities with their estimated PPVs at various distances. At distances up to 170 feet, vibration levels can approach the 0.08 PPV recommended threshold. Therefore, before the issuance of any demolition, grading, or building permit (whichever comes first) for work within 170 feet of a historic resource, the project applicant shall submit a Construction Vibration Operation Plan prepared by an acoustical and/or structural engineer or other appropriate qualified professional to the Director of Planning, Building and Code Enforcement, or the Director's designee, for review and approval.

The Construction Vibration Operation Plan shall establish pre-construction baseline conditions and threshold levels of vibration that could damage the historic structures located within 170 feet of construction, regardless of whether the historic structures are located on the project site or adjacent to it. The plan shall also include measures to limit operation of vibration-generating construction equipment near sensitive structures to the greatest extent feasible.

In addition, the Construction Vibration Operation Plan shall address the feasibility and potential implementation of the following measures during construction:

- Prohibit impact, sonic, or vibratory pile driving methods where feasible. Drilled piles cause lower vibration levels where geological conditions permit their use.
- Limit other vibration-inducing equipment to the extent feasible.
- Submit a list of all heavy construction equipment to be used for this project known to produce high vibration levels (e.g., tracked vehicles, vibratory compaction, jackhammers, hoe rams) to the Director of the City of San José Department of Planning, Building and Code Enforcement or the Director's designee. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.
- Where vibration-inducing equipment is deemed necessary for construction work within 170 feet of a historic resource, include details outlining implementation of continued vibration monitoring.

All construction contracts and approved plans shall include notes with reviewer-identified limitations and diagrams to avoid impacts on historic resources.

Mitigation Measure NO-2a: Master Construction Vibration Avoidance and Reduction Plan (refer to Section 3.10, *Noise and Vibration*)

Significance after Mitigation: With required construction vibration monitoring and implementation of measures to avoid or reduce vibration near historic resources—SCA CR-3, Mitigation Measure NO-2a, and Mitigation Measure CU-4—the impact of construction vibration on historic resources would be reduced to **less than significant**.

Impact CU-5: The proposed project would not result in significant impacts on 374 West Santa Clara Street (San Jose Water Works) or the Southern Pacific Depot Historic District from modifications to the City Landmark designation boundaries. (*Less than Significant*)

The San Jose Water Works property (374 West Santa Clara Street) is a City Landmark and has been found eligible for listing in the National and California Registers under Criteria A/1 (Events and Trends) for its association with water utility development in San José and under Criteria C/3 (Architecture) as an excellent example of a distinctive type of office building for its period, combining Moderne and Spanish Colonial Revival elements.¹⁰³ The historic architectural resources under CEQA include the main building, constructed between 1934 and 1940, and the

¹⁰³ Minor, W. C., Basin Research Associates, *National Register of Historic Places Registration Form: San Jose Water Works Building*, September 1989.

transformer building, constructed in 1913. These buildings occupy less than one-third of the current parcel; however, the remaining two-thirds of the parcel is part of the existing City Landmark, and therefore, currently subject to the HP permit process as stipulated in Municipal Code Chapter 13.48, Part 3. The non-contributing buildings on the site will be removed under an existing permit as described previously. The Downtown West Mixed-Use Plan would modify the boundaries of the City Landmark to more closely conform to that portion of the site occupied by the primary historic resource (main building) and the relocated contributing structure (transformer building), thereby removing the remaining portions of the site from the provisions of the HP permit process (**Figure 3.3-5**).

The Southern Pacific Depot Historic District is listed in the National and California Registers under Criteria C/3 (Architecture) as a late example of the Italian Renaissance Revival style in commercial architecture in the state of California. It is also listed as San José Landmark HL94-100. It is one of only four transportation facilities in the Italian Renaissance Revival style in California. The district includes eight contributing buildings and structures and the boundaries of the National Register district vary slightly from the City Landmark District. These differences are located primarily along the western edge of the district, where the National Register boundaries follow the layout of the tracks and the Landmark District boundaries are more in line with the property lines. Both districts extend over West Santa Clara Street to include the Santa Clara Street underpass and extend across Cahill Street immediately south of West San Fernando Street. The project would modify the boundaries of the City Landmark District to conform with the parcel boundaries, thus eliminating minor areas of overlap between the project site and the Landmark District just south of West San Fernando Street and just north of West Santa Clara Street. No contributing structures or features are located within this overlap, and most of the overlapping area is within the public right-of-way (Figure 3.3-4). Adjustment of the City Landmark District boundaries would remove Blocks C2 and F1 from the provisions of the HP permit process. Modifying the boundaries of the landmark requires a modification to the City Landmark designation. Municipal Code Section 13.148.130 states that “The procedure for amending or rescinding the designation shall be the same as that for designation of a landmark ...” As such, the boundary modifications are subject to review by the Director of Planning, Building and Code Enforcement, followed by either the Historic Landmarks Commission (HLC) or the City Council.¹⁰⁴ Ultimately, the City Council must approve or disapprove the proposed boundary modification with input from the HLC and the public.

If approved, the boundary modifications to the City Landmark at 374 West Santa Clara Street would result in Landmark boundaries that would continue to encompass the portion of the lot occupied by the 1934–1940 portion of the buildings, as well as the relocated 1913 transformer building. The boundary modifications to the Southern Pacific Depot Historic District would result in Landmark boundaries that would continue to encompass the entire area bounded by the current lot lines for parcels within the district, including all the extant contributing buildings and structures. All parcels or portions of parcels located within both modified Landmark boundaries would retain the local protections afforded to landmarks, including being subject to the HP permit process.

¹⁰⁴ The initial reviewing body is determined by who initiates the designation. Both the HLC and the City Council hold this review power.



Existing



Proposed

 Project Site Boundary
 Proposed Project Block Number

NOTE: Demolition of non-historic sections and relocation of the Transformer Building approved March 2020 (HP-002/HPAD20-007).

Figure 3.3-5
Existing and Proposed San Jose Water Company Landmark Boundary

For the reasons stated above, reduction of the Landmark boundaries would not alter 374 West Santa Clara Street or the Southern Pacific Depot Historic District in a material way, and both resources would retain their historical significance and the protections currently afforded them in Municipal Code Chapter 13.48, Part 3—Historic Preservation Permits. Therefore, any direct or indirect impacts on the historic architectural resources at 374 West Santa Clara Street or the Southern Pacific Depot Historic District resulting from modification of the City Landmark designation boundaries would be **less than significant**.

Mitigation: None required.

Impact CU-6: The proposed project would not result in significant impacts on 374 West Santa Clara Street (San Jose Water Works), 65 Cahill Street (the Southern Pacific Depot Historic District), the 19th century residences between North Montgomery and North Autumn Streets (160 North Montgomery Street and 195, 199, and 203 North Autumn Street), 237 North Autumn Street (Dennis Residence), 40 South Montgomery Street (Kearney Pattern Works and Foundry), and/or contributors to the Lakehouse Historic District including the individual historic architectural resources under CEQA of 396, 398, 416, and 454 West San Fernando Street and 124 Delmas Avenue from increased density of surrounding development, changes in adjacent land use, or changes in circulation patterns. (*Less than Significant*)

As noted in the DSAP Final EIR, “future development and infrastructure improvement projects in the Plan area could directly or indirectly affect historic resource[s] ...” While potential direct impacts such as demolition or adaptive reuse are relevant to resources on the project site and are described in Impact CU-1 through Impact CU-5, indirect impacts to historic resources could occur if changes to the historic context or setting of those resources materially impair their ability to convey their significance. In other words, if the increased density and height of surrounding development, changes in adjacent land use, or changes in circulation patterns resulting from the project affect the significance of historic architectural resources in the study area, an indirect impact would occur.

The analysis below considers the extent to which the project would result in physical changes that could affect the significance of historic resources on and adjacent to the site, examining the proximity and orientation of historic resources, as well as character-defining features that convey each resource’s significance. The analysis also describes requirements of the proposed Downtown West Design Standards and Guidelines, which are intended to function similar to the Downtown Design Guidelines with the shared goal of ensuring that new adjacent buildings “respect and enhance historic structures, not overwhelm them. A building with *historic adjacency* should respond to prominent characteristics and patterns... to improve the building’s fit within the [physical and historic] context.”¹⁰⁵

Because the project site is located within the boundaries of the area subject to the Downtown Design Guidelines, they would continue to be applicable to the project where they are not superseded by Downtown West Design Standards and Guidelines. A select list of applicable

¹⁰⁵ City of San José, *San Jose Downtown Design Guidelines and Standards*, 2019, p. 38.

Downtown Design Guidelines and Standards that influence design adjacent to historic resources is presented in **Table 3.3-6**.

**TABLE 3.3-6
 APPLICABLE PROJECT-WIDE DOWNTOWN SAN JOSE DESIGN STANDARDS FOR HISTORIC RESOURCES**

Section 4.2.1	Form, Proportion and Organizing Ideas
Standard 4.2.1a	Coordinate and link the building's <i>Skyline Level</i> , <i>Podium Level</i> , and <i>Pedestrian Level</i> with vertical elements.
Standards 4.2.1b	Design <i>Image-Defining Frontages</i> with the same level of detail and quality as the primary building frontage (if they are not the same frontage.)
Section 4.2.4	Historic Adjacency
Standards 4.2.4a-d	Superseded
Standard 4.2.4e	Use articulation that creates facade divisions with widths similar to Historic Context buildings on the same side of the same block (if the new building is wider). A variety of techniques can achieve this articulation, including facade design, material variations, and color variations. For example, if the street facades of most nearby Historic Context buildings are vertical in proportion, taller than they are wide, then maintaining the vertical orientation of the building facade will result in a more compatible design.
Standard 4.2.4f	Do not simulate historic architecture to achieve these guidelines and standards. Do not design new facades to create a false historic appearance or copy historic architectural features unless such features are integral to the design of the new construction.
Standard 4.2.4g	Place windows on facades visible from the windows of the adjacent Historic Context structure even if this requires that the facade be set back from the property line.
Standard 4.2.4h	Use some building materials that respond to Historic Context building materials, such as masonry, terra cotta, limestone, stucco, glass, mosaic, cast stone, concrete, metal, glass, and wood (trim, finishes and ornament only.)
Standard 4.2.4i	The new materials should be compatible with historic materials in scale, proportion, design, finish, texture, and durability.
Standard 4.2.4j	Space pedestrian entries at similar distances to Historic Context building entries.
Standard 4.2.4k	Create a ground floor with a similar floor to ceiling height as nearby Historic Context buildings, provided the ground floor finish ceiling is no lower than the minimum height identified in this document.
Section 4.4.1	Façade Pattern and Articulation
Standard 4.4.1.c	Reflect the scale of neighboring buildings in the facade at the Podium Level and Pedestrian Level.

SOURCE: City of San José, *San Jose Downtown Design Guidelines and Standards*, September 8, 2020.

Like the Downtown Design Guidelines, the Downtown West Design Standards and Guidelines include historic adjacency standards to promote compatible design where new construction is in close proximity to historic resources. (A draft of the Downtown West Design Standards and Guidelines is provided in Appendix M.)

The Downtown West Design Standards and Guidelines incorporate a series of adjacency zones that vary depending on the level of significance of the resources (national and local) and the concentration of resources. New construction is considered to have historic adjacency if:

- It is adjacent to a building listed on or eligible for the HRI;
- It is across the street from or adjacent to a Landmark/Landmark District or Candidate City Landmark/District; or

- It is across the street from or adjacent to a National Register or California Register listed or eligible resource.

In addition, they also include general controls to address design with relation to the existing built environment, including:

- **Building height controls**—Blocks D5 and F6 shall have a maximum height of 40 feet and Block D6 shall have a maximum height of 80 in areas historically defined by low-scale industrial development. These heights are less than the maximum allowed under the current or proposed zoning.¹⁰⁶
- **Pedestrian level design**—Throughout the project, design at the pedestrian level will utilize design strategies to maintain compatibility with the traditional developments of construction in the project area. This includes, single-lot development with the associated street-pattern of facades that are generally less than 50 feet in width with a variety of architectural styles and materials. Specifically, the Downtown West Design Standards and Guidelines include modulation of facades to maintain perceived intervals of 35 feet in width or less, modulation of long facades (greater than 350 feet) to incorporate double-height architectural expression within 200 feet of the building corner. Transparent façade materials and high transparency windows are required at street-level for 70% or more of a building’s street-facing façade. The project standards also require use of architectural features to create a more pedestrian-friendly experience.¹⁰⁷ These include:
 - Horizontal projections, including bay windows and balconies
 - Horizontal recesses
 - Canopies
 - Shading devices
 - Awnings
 - Expressed structural element
- **Podium level design (up to 70 feet in height)**—Related to pedestrian level design controls, articulation of the façade up to the first 70 feet of height is an addition design method used to create a pedestrian-friendly experience. The Downtown West Design Standards and Guidelines require that modulation be applied in vertical intervals of 40 to 80 feet, depending on location, to maintain the rhythm of openings and architectural expression at street-level. Where elevations face parks, semi-public spaces, or private streets, above-grade modulations may include balconies, bay windows, or other projections provided they are less than 200 square feet in size. For those buildings that have façade greater than 350 feet in length, a greater amount of material and design modulation is required to provide shadow lines and visual breaks similar to that in more traditional, single-lot development neighborhoods.¹⁰⁸
- **Skyline level design (above 70 feet in height)**—Above 70 feet modulation of the façade is also required. For facades greater than 200 feet in length, changes in plane must occupy 1/3 of the façade area and to an average depth of 4 feet. Additional variation of the roofline includes application of stepbacks, changes in material, or modulations of

¹⁰⁶ Building height control standards include: Standard 5.6.3.

¹⁰⁷ Pedestrian level standards include: Standard 5.8.4, Standard 5.8.6, Standard 5.8.7, Standard 5.8.8, and Standard 5.17.4.

¹⁰⁸ Podium level design standards include: Standard 5.9.1, Standard 5.9.2, and Standard 5.9.4.

heights. For residential buildings, balconies, bay windows, or other projects shall be allowed where they face parks, semi-public space, or private streets.¹⁰⁹

- **Residential design**—For new residential construction that has ground floor units with external entries (i.e., townhomes), those units shall have an average width no greater than 30 feet. Additional requirements for these units include a maximum stoop height of 5 feet, a minimum porch size of 4x5 feet, where such features are included. Where new development is across the street from single-family residential uses, it shall establish an architectural height reference within the podium level of the building. These references shall be a minimum of nine-inches in depth and may include stepbacks, volumetric shifts, materials changes, or other architectural modulation¹¹⁰
- **Historic Resource Adjacency**—Where new development meets specific historic adjacency criteria, that development shall establish an architectural height reference at the nearest floor to the historic resource’s top of structure or prominent eave. An architectural height reference shall have a horizontal length that is greater than or equal to the width of the historic resource. Like the general residential design requirements, this architectural height reference shall have a minimum depth of nine inches. Strategies include but are not limited to stepbacks, tapering, horizontal projection, structural or architectural elements, and dimensional change in material. In addition, Blocks E2 and E3 are subject to a 150-foot height cap because of proximity to the Lakehouse Historic District.¹¹¹

The Downtown West Design Standards and Guidelines would be subject to City review and approval concurrent with the project’s Planned Development Permit and, in combination with applicable Downtown Design Guidelines and Standards (Table 3.3-6), would address building design, land coverage, density, setbacks, the open space program, and the character of the public realm, along with other design controls for development. New construction and other improvements proposed as part of the project would be reviewed for consistency with these standards and guidelines during the Conformance Review process outlined in the Downtown West Design Standards and Guidelines.

374 West Santa Clara Street (San Jose Water Works, APN 259-38-128)

Environmental review for a prior proposed redevelopment of this parcel for commercial and retail uses concluded that there was the potential to significantly affect the historic resource.¹¹² To address potential impacts resulting from new construction both adjacent to the historic resource and within the Guadalupe River riparian zone, project-specific design standards and guidelines relating to the placement and design of new construction were included in the proposed development to reduce these impacts to less than significant. The Final EIR (State Clearinghouse No. 2002062017) for that project concluded that “a future development designed in conformance with these design guidelines would not result in an adverse impact to the historic integrity of the San Jose Water [Works]

¹⁰⁹ Skyline level design standards include: Standards 5.10.1-5 and Standards 5.11.1-2.

¹¹⁰ Residential design standards include: Standard 5.12.1, Standard 5.12.2, Standard 5.12.3, Standard 5.12.6, and Standard 5.16.1.

¹¹¹ Project-wide historic adjacency standards include: Standard 5.15.1. All other historic adjacency standards apply to specific locations on the project site.

¹¹² City of San José, *SJW Land Company Planned Development Rezoning Final Integrated Environmental Impact Report*, 2004; City of San José, *Delmas Avenue Mixed-Use Development Final Environmental Impact Report Addendum*, SCH #2002062017, 2016.

building.”¹¹³ These standards required a primary setback zone along West Santa Clara Street and within 40 feet extending from the exterior of the building. In this zone, no permanent buildings other than landscape structures were permitted in order to maintain views of the building and the river as seen looking east along West Santa Clara Street.¹¹⁴ Between 40 and 55 feet from the building, construction was prohibited from exceeding 45 feet in height. Between 56 and 100 feet from the building, heights were prohibited from exceeding 70 feet. As an added measure, land use development standards for structures in the second setback zone were required to be consistent with the architecture, materials, color, etc., of the San Jose Water Works.

Supplemental review to redistribute uses across the San Jose Water Works project site evaluated building heights that ranged from 210 to 226 feet. The 2016 revised project retained the 2004 approved Planned Development zoning setback zones and design standards for new construction adjacent to the historic main building as part of the project’s Land Use Development Standards. With these provisions, development of the surrounding land with up to 1 million sf of commercial uses was determined to result in the same less-than-significant impact as the original project on the historic resource.

Under the Downtown West Mixed-Use Plan, building heights on the parcel could extend up to 260 feet above grade. To address potential impacts on historic resources related to adjacent development, the proposed Downtown West Design Standards and Guidelines incorporate aspects of the prior site-specific standards and guidelines for Block E1 (refer to Appendix M). Specifically, the project would develop a public plaza along West Santa Clara Street on this block. The open space would maintain the current and historical views of the resource and the river, as approached from the west along West Santa Clara Street, maintaining the view corridor along West Santa Clara Street. New construction would be located at a 40-foot minimum distance from the closest exterior elevation of the 1934–1940 building. In addition, the north façade of the adjacent new construction would be subject to historical adjacency design considerations. These include:¹¹⁵

- The view corridor along West Santa Clara Street, as viewed from the west toward downtown, would be maintained. In this zone, no permanent construction is allowed within 40 feet south of 374 West Santa Clara Street. Temporary structures, site furniture, and landscaping would be permitted.
- The north façade of Block E1 would incorporate height references within the design of new construction. These references would be within 10 feet of the height of 374 West Santa Clara Street.¹¹⁶ This reference would extend horizontally from the west façade of the 1934–1940 building.
- The north façade of Block E1 would incorporate a vertical massing reduction plane of 5 degrees above the podium level. This may include utilization of step-backs, sloping of the façade, or other design modulation.

¹¹³ City of San José, *SJW Land Company Planned Development Rezoning Final Integrated Environmental Impact Report*, 2004; City of San José, *Delmas Avenue Mixed-Use Development Final Environmental Impact Report Addendum*, 2016.

¹¹⁴ City of San José, *SJW Land Company Planned Development Rezoning Final Integrated Environmental Impact Report*, 2004; City of San José, *Delmas Avenue Mixed-Use Development Final Environmental Impact Report Addendum*, 2016.

¹¹⁵ These standards include: Standard 5.15.1, Standard 5.15.2, Standard 5.17.1, and Standard 5.17.3.

¹¹⁶ 374 West Santa Clara Street is approximately 25 feet tall and 125 feet wide.

- The east façade of Blocks E1 and E2 would maintain an average setback of 100 feet from the Los Gatos Creek Riparian Corridor.
- New development on Block E1 would be required to apply a 7.5 percent skyline level area reduction within 150 feet from the Los Gatos Creek Riparian Corridor.

The San Jose Water Works resource is a City Landmark. It is also eligible for listing on the National and California Registers for its association with early water utility development, a critical enabler of the early development of San Jose and Santa Clara County (Criteria A/1), and for its combined use of Moderne and Spanish Colonial Revival styles (Criteria C/3). The resource has a number of character-defining features related to both of these areas of significance, including a uniform and symmetrical design visible from both the east and west directions along West Santa Clara Street, reinforced concrete and stucco-clad construction combined with a wide variety of water-themed cast stone decorative elements, a red clay tile roof, and prominent placement of integrated “San Jose Water Company” signage within the east and west frieze bands.

The Downtown West Design Standards and Guidelines require that an open space along West Santa Clara Street be maintained, preserving views of the building and its signage as approached from the west. From the east, this view is also maintained by the open area within the Guadalupe River Park. The Downtown West Design Standards and Guidelines also require a 40-foot separation between the resource and new development as well as additional measures to create differential and compatible design on the north façade of Block E1. Further, none of the integrated architectural features would be altered by the project, nor would its association as an early water utility be materially impaired by the project, as no construction would take place on or within the building as part of the Downtown West project.

Application of the Downtown West Design Standards and Guidelines would be consistent with similar standards approved for earlier projects and would maintain historic view corridors and guide compatible adjacent development. The resulting scale, density, site placement, and uses would be similar to those already found to be less than significant with similar design standards under prior environmental review. Therefore, impacts on 374 West Santa Clara Street resulting from increased density or changes in setting would be **less than significant**.

65 Cahill Street (Southern Pacific Depot Historic District)

The Southern Pacific Depot Historic District is a City Landmark District. It contains eight contributing buildings and features: the main station building, the compressor house, the car cleaners’ shack, the butterfly passenger sheds, an iron gate and fence with architectural detailing, the Santa Clara underpass also with architectural detailing, Beaux-arts luminaries, and the railroad tracks. These features, when viewed together, clearly demonstrate the totality of the railroad depot and represent the various functions and uses contained in the district: passenger services, passenger and freight rail lines, circulation through the depot, and necessary security and accommodation of rail in an urban setting. The district is also listed on the National and California Registers as a late example of the Italian Renaissance Revival style in commercial architecture in the state of California (Criteria C/3). Character-defining features of the main station building related to this significance and include multistory arched windows, polychrome brick with terra cotta decoration, the red terra cotta roof tile on the main station, metal spandrel

panels in the window bays of the main station building, an oversized galvanized steel marquee, as well as various features in the publically accessible interior spaces. The landmark district is an interconnected complex of rail uses that are visually and spatially related to each other, and spans several city blocks.

Immediately north of the district, on Block C2, the proposed project calls for development up to 260 feet in height for office uses. Block D1, at the corner of Cahill and West Santa Clara Streets, is proposed for residential uses in a building up to 280 feet in height. Block F2, at the corner of West San Fernando and Cahill Streets, would be developed for office uses in a building up to 300 feet in height. The area immediately east of the district, including the current entry plaza fronting the station and serving as the main pedestrian entrance to the district, is not part of the project.

The 2006 San José Ballpark Draft EIR concluded that development adjacent to the district would “result in the alteration of the character of the depot’s setting and feeling,” resulting in a significant impact on a historic resource.¹¹⁷ That project included redevelopment of all of the parcels fronting the district.

This EIR analyzes a project that excludes development on the seven Caltrain-owned parcels immediately facing the station building at the heart of the district. These parcels occupy about 3 acres between West San Fernando Street and about 325 feet south of West Santa Clara Street. Because these parcels are not part of the project, the area would maintain wide visibility of the low-scale character of the district and differentiate the current project from the Ballpark project noted above. In addition, although the overall scale and scope of the current project would exceed that analyzed under prior environmental review efforts, the current project would be largely concentrated in the vicinity of the northern and southern edges of the district, and outside of the primary view corridor between downtown San José and the rail terminal.

To further address the potential to affect historic architectural resources, the Downtown West Design Standards and Guidelines require the maintenance of sight lines to and from the district from downtown along the current Santa Clara Valley Transit Authority (VTA) right-of-way. This includes a moratorium on building within 20 feet of the northern edge of the existing VTA tunnel and a 60-foot separation between new development on Blocks D6 and D7 to maintain the current view corridor along the VTA tracks.¹¹⁸ The Downtown West Design Standards and Guidelines do not include additional site-specific standards for development related to the Southern Pacific Depot Historic District because most project development is not located across the street from or adjacent to any district-contributing building.¹¹⁹

¹¹⁷ LSA Associates, Inc., *Baseball Stadium in the Diridon/Arena Area Draft Environmental Impact Report*, prepared for the City of San José, February 2006, p. 244.

¹¹⁸ Downtown West Design Standards and Guidelines Standard 5.15.12.

¹¹⁹ While Block F1 is across the street from the car cleaners’ shack, a contributing structure to the Southern Pacific Historic District, the car cleaners’ shack is a small, one-story structure, and the Downtown West Design Standards and Guidelines do not require architectural references to this structure beyond pedestrian-level requirements of the ground floor as identified in Section 5.8 of the Downtown West Design Standards and Guidelines, as well as Downtown Design Guidelines sections 4.2.4, 5.3.1.a, 5.3.1.b, and 5.3.2. Additionally, the car cleaners’ shack is set back some 125 feet from the western curb line of Cahill Street.

Block D1 is not subject to the Downtown West Design Standards and Guidelines but would be subject to equivalent design standards incorporated into the General Development Permit (GDP). These standards would also be equivalent to the Downtown Design Guidelines as presented in Table 3.3-6, and would include similar historic adjacency considerations. It should be noted, however, that Block D1 is located more than 200 feet from any contributing building for the Southern Pacific Depot Historic District. As such, it would not be subject to historic adjacency consideration under the Downtown Design Guidelines, or equivalent criteria in the GDP.

With the exception of the northwest corner of Block F1, the project does not include development on those blocks facing the historic district along Cahill Street. Instead, development would be located outside of the district's core and concentrated beyond the northern and southern district boundaries. This construction would not obstruct access to or views of the district or its eight contributing buildings and structures, and would not alter the circulation or function of the district as a historical transportation hub. It would not alter the design or architecture of the district. Additional design standards for new construction in the Downtown West Design Standards and Guidelines would further reduce potential impacts on setting by maintaining a key sight line along the VTA right of way and through general design considerations as presented in Table 3.3-6 and the discussion above. None of the contributing building/elements would be altered. The architecture of the district would remain unchanged. No construction would take place within or adjacent to the district. Therefore, the integrity of the district would remain unaltered. As a result, the project would result in a different, and lesser, impact on the Southern Pacific Depot Historic District than that found in prior analyses. Thus, the impact on the district's integrity of setting and feeling as a result of the increased development associated with the proposed project would not result in a substantial adverse change in the district's historical significance. Accordingly, the impact would be **less than significant**.

19th Century Residences between North Montgomery and North Autumn Streets

The four Candidate City Landmark and period residential buildings located at 160 North Montgomery Street (APN 259-29-004), 195 North Autumn Street (APN 259-29-025), 199 North Autumn Street (APN 259-29-024), and 203 North Autumn Street (APN 259-29-023) represent the type of modest residential buildings that once surrounded the industrial blocks lining the railroad tracks. Late-19th-century subdivisions in the area included the Foment Survey roughly bounded by West St. John Street to the north, the Guadalupe River to the east, West Santa Clara Street to the south, and residential parcels to the west (refer to Appendix E1 for more information). The four buildings noted here are associated with this subdivision.

The proposed project would result in changes to the overall setting of these resources through the increased scale and density of new construction on the blocks facing 160 North Montgomery Street. On these blocks, the project calls for new construction ranging from 215 feet (Block C1) to 220 feet (Block C3). Consistent with the DSAP Final EIR, this would constitute an indirect impact on the low-scale mixed industrial and residential character of the block upon which all four buildings are located. The DSAP Final EIR relied on implementation of General Plan policies and existing regulations to reduce impacts on historic resources to less than significant

(Table 3.3-5).¹²⁰ Additional, applicable DSAP Final EIR provisions to reduce impacts included supplemental review of specific projects for CEQA compliance.

The proposed Downtown West Design Standards and Guidelines would include a site-specific standard for 160 North Montgomery Street, which is a Candidate City Landmark that directly faces proposed new construction within 100 feet of its primary façade. The site-specific standards would require development on Block C3 to respond to the architectural qualities of the block in general and would require the east façade of Block C3 to incorporate an architectural height reference within 10 feet of the height of 160 North Montgomery Street (approximately 40 feet from grade). This reference would be included for a horizontal distance within 30 feet of the east façade width of 160 North Montgomery Street (approximately 35 feet wide).¹²¹

The remaining resources (203, 199 and 195 North Autumn Street) are Candidate City Landmarks. They are not located across the street from or adjacent to the project and, therefore, do not meet the requirements for historic adjacency. Accordingly, the Downtown West Design Standards and Guidelines do not include site-specific design standards for them.

Together, the resources' architectural integrity and close proximity create a cohesive grouping of late-19th-century residential development. Also on this block are low-scale industrial uses that speak to the association of this residential neighborhood with the working class families who settled close to their places of business. It once was a common development pattern at the edges of downtown San José and near the railroad tracks, but is now disappearing though development of low-scale lots for denser, non-industrial uses.¹²² Character-defining features shared by this grouping include wood frame construction, two-story heights with a raised first floor, front porches with decorative architectural woodwork, prominent front-facing multilite windows, and gable roofs.

No architectural modifications to the resources are included as part of the project, nor does the project include development on the same block as the resources. Additionally, the residences on North Autumn Street face east, away from the project, with no views of the project site from their primary, east-facing elevations. They are located 200 feet or more from proposed new construction, and that new construction would be subject to the general, project-wide design standards noted above. Additionally, historic adjacency standards from the Downtown Design Guidelines would apply to these resources except where they are superseded by project-specific standards and guidelines.

The historical significance of these resources is related to their architecture and their proximity to each other. These conditions would not be changed by the project; no architectural changes are proposed and no development would occur within the block between North Montgomery and North Autumn Streets to disrupt their proximity to each other. Additionally, as stated above, the Downtown West Design Standards and Guidelines require façade modifications that would increase design compatibility between new construction and 160 North Montgomery Street, the one resource that directly faces new construction, and all remaining applicable project design

¹²⁰ City of San José, *Diridon Station Area Plan Integrated Final Program Environmental Impact Report*, State Clearinghouse No. 2011092022, August 2014, p. 220-222

¹²¹ This includes Standard 5.15.13.

¹²² Juliet Arroyo, (former) Historic Preservation Officer, City of San José, email, March 2, 2020.

standards and guidelines would apply. For these reasons, the impact of the project on historical significance of the 19th century residences in this block would be **less than significant**.

237 North Autumn Street (Dennis Residence, APN 259-29-021)

The Dennis Residence is a City Landmark and appears to be eligible for individual listing in the National and California Registers for its Greek Revival design and for the craftsmanship of that design as executed in brick (C/3).¹²³ As such it retains character-defining features such as front-facing arched and multi-lite windows with heavy timber sills, vertical brick headers, fluted corner pilasters with capitals, a front porch, and an offset front door.

The closest project development would be located on Blocks C2 and C3 where new buildings up to 220 feet in height are proposed. This construction is located more than 200 feet from the rear elevation of the resource.

The current setting of this property is a mix of residential and light industrial uses. The surrounding parcels have buildings that are two stories or less in a mix of late-19th-century and early-20th-century residential styles and utilitarian commercial buildings. The largest land use within a one-block radius is a surface parking lot west of the resource, which is used for SAP Center events. The SAP Center is located approximately one block south of 237 North Autumn Street and is the only building taller than two stories in the immediate vicinity.

The project would not alter the physical conditions on the block containing 237 North Autumn Street. West of this property and within the project site, the project would replace a large surface parking lot with a mix of uses: hotel, residential, office, flex space, and open space. Maximum proposed building height limits would be approximately 250 feet above grade, taller than the SAP Center. The increased bulk and density would alter the residential character of the immediate neighborhood surrounding 237 North Autumn Street. However, 237 North Autumn Street is significant for its Greek Revival architectural style and for its status as a rare example of 19th century brick residential construction.¹²⁴ These traits would remain unaltered as a result of the project.

The resource is located more than 200 feet east of the closest project parcel. Between the resource and the project are several industrial and residential buildings that are of the same approximate height as the resource, and they block all direct views between the historic resource and the project. Thus, although the project would allow buildings between 215 and 220 feet in height on Blocks C1 and C3, the new construction would be screened by the intervening, existing development. In addition, the historic resource faces east and away from the project, fronting North Autumn Street, with no direct views or relationship to the project site from the primary façade. Because this resource is primarily significant for its architecture and its immediate setting or context (i.e., within 200 feet) would not be altered, its significance would not be materially impaired by the project. Additionally, historic adjacency standards from the Downtown Design

¹²³ Archives & Architecture, *Historic Landmark Designation for the Dennis House, Located at 237 North Autumn Street*, 2005.

¹²⁴ Archives & Architecture, *Historic Landmark Designation for the Dennis House, Located at 237 North Autumn Street*, 2005.

Guidelines would apply to these resources except where they are superseded by project-specific standards and guidelines.

The distance from the resource to the project site and the lack of direct impacts on the primary feature of historical significance (architecture) of the resource would result in **less-than-significant** impacts on 237 North Autumn Street.

40 South Montgomery Street (Kearney Pattern Works and Foundry, APNs 259-38-028 and 259-38-029)

40 South Montgomery Street has been recommended eligible for listing on the National and California Registers under criterion A/1 for its representation of “the broader shifts and patterns in the [region’s] prevailing industries and play an important role in producing specialized tools and equipment required for their commercial success.” It has an identified period of significance is 1922 (date of initial construction) through the end of World War II in 1949. The building also appears to be eligible for listing as a San José Candidate City Landmark.¹²⁵ As an industrial building its character-defining features include its low-scale, simple design and detailing, combination of vehicular and pedestrian entrances, and irregular plan indicative of phases of company growth.

The project proposes construct an addition to the east (rear) of the building (Block D5) as discussed in Impact CU-2. It also proposes new development adjacent to the building on Block D6 as well as directly facing, and within 200 feet of the building on Block D4. Under the project, building heights could be up to 255 feet on Block D4 and 265 feet on Block D5.

The current setting of this property is a mix of light industrial, commercial, and community uses. The surrounding parcels have buildings that are two stories or less in a mix of late-19th-century and early-20th-century utilitarian commercial buildings. Parking lots face the building on two sides.

The increased bulk and density proposed with the project would alter the low-scale character of the immediate neighborhood surrounding 40 South Montgomery Street. However, 40 South Montgomery Street is significant for its representation of the industrial growth of the area.¹²⁶ This is represented in its character-defining features, its orientation to the street, and in its architectural design. New construction on Blocks D4 and D5 do not alter these traits. Therefore, impacts to the historical significance of 40 South Montgomery Street from surrounding development would be **less than significant**.

Nonetheless, the Downtown West Design Standards and Guidelines include historic adjacency standards to address potential indirect impacts. These site-specific standards include:¹²⁷

- A minimum separation of 48 feet from the north façade of 40 South Montgomery Street. This would apply to Block D4.

¹²⁵ ARG, DPR: Kearney Pattern Works and Foundry, January 2020.

¹²⁶ ARG, DPR: Kearney Pattern Works and Foundry, January 2020.

¹²⁷ This includes: Standard, 5.6.3 and Standard 5.15.5.

- New construction on Block D6 will maintain a minimum separation of 40 feet from 40 South Montgomery Street and be limited to 80 feet in height.
- Between 40 South Montgomery Street and Block D6 no permanent or temporary structures are allowed within 20 feet of the south façade of the resource.
- The south facade of block D4 and north facade of block D6 shall each establish an architectural height reference within 10 feet of the Project resource's height for a horizontal length greater than or equal to the north and south facades, respectively.

Lakehouse Historic District

The Lakehouse Historic District is a City of San José Landmark District; 20 district contributors are located within the project study area. Of these, four have been found individually eligible for listing in the National Register: 396 West San Fernando Street (APN 259-45-030), 398 West San Fernando Street (APN 259-45-029), 416 West Fernando Street (APN 259-48-019), and 454 West San Fernando Street (APN 259-45-055). One district contributor is individually listed as a City Landmark: 124 Delmas Avenue (APN 259-45-095).

North of the VTA tracks, the project proposes residential development fronting the VTA right-of-way and West San Fernando Street. Maximum proposed heights for residential development on these blocks would be up to 290 feet. At this height, new construction would be taller than the existing adjacent buildings and structures, including SR 87. The project would maintain the existing open space on the blocks fronting the Lakehouse Historic District along West San Fernando Street and include an additional buffer of open space along Los Gatos Creek. This area is currently a public plaza/open space with a VTA platform on the block fronting the district along West San Fernando Street. However, the increased bulk and density on Blocks E2 and E3 would still alter the park-like setting of the blocks fronting West San Fernando Street and the Lakehouse Historic District.

As noted above, the project applicant proposes the Downtown West Design Standards and Guidelines, which would be subject to City review and approval concurrent with the project's Planned Development Permit, and would address building design, land coverage, density, setbacks, the open space program, and the character of the public realm, along with other design controls for development. Site-specific standards in the Downtown West Design Standards and Guidelines for addressing potential impacts on the Lakehouse Historic District include:¹²⁸

- A 100-foot separation would be maintained between new construction and the Lakehouse Historic District.
- The south façades of new construction on Blocks E2 and E3 would incorporate an architectural height reference within 10 feet of the average height of the facing district-contributing buildings (approximately 25 to 35 feet above grade).
- This height reference would extend horizontally for up to 40 feet.
- Incorporation of façade modulation as noted above for residential design.

¹²⁸ These standards include: Standard 5.15.9, and Standard 5.15.10, and Standard 5.15.11.

- New development on Blocks E2 and E3 would step back all levels above 60 feet for an average depth of 20 feet from the property line or 50% of the linear distance of the Lakehouse District along West San Fernando Street.
- New development on Blocks E2 and E3 would be subject to a 150-foot height cap in a 200-foot zone extending across the street from the Lakehouse District.

The Lakehouse Historic District is significant for “its representation of a comprehensive pattern of historic development to the west of the downtown frame area; its association with residential development during the period 1885–1925; and its embodiment, within the boundaries of the neighborhood, of architectural styles that represent the breadth of design of the period.”¹²⁹ Four of the individual historic architectural resources under CEQA (396, 398, 416, and 454 West San Fernando Street) are also significant for their architecture.¹³⁰ The district’s character-defining features include a predominance of wood frame, single family homes, a mix of architectural styles that represent popular residential designs from Queen Anne through the revival styles of the early 20th century, cohesiveness of setbacks, massing, and construction, and a relatively consistent use of cladding materials and colors (wood and stucco). None of these traits for the district, nor representation of these traits through individual resources would be altered as a result of the project. However, the increased bulk and density of new buildings would alter the district’s setting by affecting blocks immediately outside of the district and fronting it across West San Fernando Street.

The Downtown West Design Standards and Guidelines include site-specific standards for the Lakehouse Historic District that would address the design compatibility of the new construction to the residential and low-scale neighborhood feel of historic resource, and Los Gatos Creek would maintain open space and separation between new construction and the historic resource. As a result, all new construction would be located a minimum of 100 feet away from the closest district contributor. Also, those characteristics that help to communicate the historical significance of the neighborhood as an eclectic mix of residential architecture from 1885–1925—one- to three-story wood frame houses, cohesive setbacks, massing, and construction, predominance of wood and stucco cladding, range of architectural styles—would remain intact and unaltered. Therefore, with implementation of the Downtown West Design Standards and Guidelines, the project would result in **less-than-significant** impacts on the historical significance of the Lakehouse Historic District.

Summary

All new construction on the project site would be evaluated by the City of San José for consistency with the Downtown West Design Standards and Guidelines elements presented here or (in the case of Block D1) equivalent elements in the GDP.¹³¹ These standards, together with relevant standards in the Downtown Design Guidelines (see Table 3.3-6), would ensure that new construction within the vicinity of historic resources would include design modulations to maintain compatibility with the nearby resources. For this reason, and because character-defining features of each resource would remain intact and changes to their setting would not materially

¹²⁹ Architectural Resources Group, DPR 523B: 124 Delmas Avenue, 2006. 124 Delmas Avenue is locally significant for its association with the Brohaska and Dalis families.

¹³⁰ Architectural Resources Group, DPR 523B: 124 Delmas Avenue, 2006. 124 Delmas Avenue is locally significant for its association with the Brohaska and Dalis families; Archives & Architecture, DPR A and B: 396 San Fernando, West, 1999/2006; Archives & Architecture, DPR A and B: 398 San Fernando, West, 1999/2006.

¹³¹ Block D1 would be subject to design consistency with the standards and guidelines in the GDP.

affect their significance, impacts on historic architectural resources from density increases resulting from surrounding development, changes in adjacent land use, or changes in circulation patterns would be **less than significant**.

Mitigation: None required.

Impact CU-7: The proposed project could result in significant impacts at 105 South Montgomery Street (Stephen’s Meat Projects sign), a historic resource, as a result of its removal, storage, and relocation within the project site. (*Less than Significant with Mitigation*)

The City of San José recognizes the historical significance of its collection of period commercial signage found within the city’s boundaries. These signs include illuminated, moving, and static commercial signage. Some signs are directly related to the buildings upon which they sit, while others are important for their artistic or associative properties. A full survey of signage is in process; when complete, this survey will include a detailed historical citywide context for signage of various types and will identify contributors to a discontinuous commercial sign historic district. This district would be a Candidate City Landmark District and its contributors would qualify as historic architectural resources under CEQA.

The Stephen’s Meat Products sign at 105 South Montgomery Street features a dancing pig outlined in neon next to the words “Stephen’s Meat Products.” Prior evaluations for eligibility as a CEQA resource considered the associative value of the sign to a business and building that no longer exists. These evaluations found the sign ineligible for listing at the national, state, or local level. However, the City of San José has determined that the sign is historically significant for its representation of neon commercial promotion and for its overall design and local iconic standing. It was listed in the City’s HRI in February 2020 and is considered a contributor to the pending discontinuous commercial sign Candidate City Landmark District. The proposed project would redevelop the former Stephen’s Meat Products parcel, currently a parking lot, with buildings up to 250 feet in height. This would necessitate removing the sign from its current location. Loss of the sign would directly affect a historic resource. This impact would be **significant**.

Mitigation Measures

Mitigation Measure CU-7: Sign Relocation

Before the issuance of the first permit for site preparation or construction on the site within 100 feet of the Stephen’s Meat Product sign, the project applicant, in consultation with a qualified historic preservation professional, shall remove the sign from the site. If the sign is not immediately relocated to a receiver site, it shall be placed in secure storage. Storage shall be indoors, or otherwise protected from weather, impacts, and vandalism. The location of the storage facility shall be communicated to the Director of Planning, Building and Code Enforcement or the Director’s designee.

During design development, a receiver site shall be identified on the project site with the following characteristics:

- The site shall be similar to the existing location along a public right-of-way.

- The sign shall be placed upon a single support pole of similar dimension.
- Views of the sign shall be permitted from a minimum of 150 feet along both directions of the public right-of-way.
- The sign shall be repaired, as needed, to return it to its current functional state.
- Interpretive signage indicating the sign's age, association, and original location shall be located at the base of the structural support.

The selected site shall be subject to approval by the Director of Planning, Building and Code Enforcement, or the Director's designee. Relocation of the sign shall be completed within no more than five years from the date of its removal, with the potential for an extension not to exceed an additional five years upon approval by the Director of Planning, Building and Code Enforcement or the Director's designee.

Significance after Mitigation: Implementing Mitigation Measure CU-7 would allow the Stephen's Meat Products sign to maintain its historical and artistic integrity, and ensure its relocation to an appropriate nearby location visible to the public. Therefore, implementing this mitigation measure would reduce the impact on the historical significance of the resource to **less than significant**.

Archaeological Resources

Impact CU-8: The proposed project could cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5. (*Less than Significant with Mitigation*)

This section discusses archaeological resources, both as historical resources according to CEQA Guidelines Section 15064.5 and as unique archaeological resources as defined in PRC Section 21083.2(g).

Based on the sensitivity analysis conducted for the proposed project (provided above in Section 3.3.1, *Environmental Setting*), there is high sensitivity across most of the project site for prehistoric archaeological resources to be present in areas that have not been previously disturbed by extensive, deep ground disturbance. Similarly, based on the high level of historic-era use of the project site, there is high sensitivity for historic-era archaeological resources, such as artifacts, wells, privies, and foundations associated with former residential, commercial, and industrial uses to be encountered during excavation.

Given the potential to uncover prehistoric and historic-era archaeological materials and features on the project site, the discovery of these types of resources, if not appropriately evaluated and treated following discovery, would be a **potentially significant** impact.

Implementation of **Mitigation Measures CU-8a, Cultural Resources Awareness Training; CU-8b, Archaeological Testing Plan; CU-8c, Archaeological Evaluation; and CU-8d, Archaeological Treatment Plan**, would reduce impacts on archaeological resources by requiring that all construction personnel attend a mandatory pre-project cultural resources awareness training, and that an Archaeological Testing Plan be developed to determine the extent of cultural

resources on the project site so that resources could be evaluated for significance and treated appropriately, as warranted. In addition, **SCA CR-1, Subsurface Cultural Resources**, would ensure that work would halt in the vicinity of a find until it is evaluated by a Secretary of the Interior–qualified archaeologist. With implementation of these mitigation measures, potential impacts would be **less than significant with mitigation incorporated**.

Mitigation Measures

The following mitigation measures, consistent with the DSAP Final EIR, Downtown Strategy Final EIR, and Envision San José 2040 General Plan Final EIR (as amended), shall be implemented before the start of construction activities to avoid impacts on unrecorded subsurface prehistoric and historic-era archaeological resources. The following mitigation measures build upon each other to provide a methodology for reducing impacts.

Mitigation Measure CU-8a: Cultural Resources Awareness Training

Before any ground-disturbing and/or construction activities, a Secretary of the Interior–qualified archaeologist shall conduct a training program for all construction and field personnel involved in site disturbance. On-site personnel shall attend a mandatory pre-project training that will outline the general archaeological sensitivity of the area and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered. A training program shall be established for new project personnel before project work.

Mitigation Measure CU-8b: Archaeological Testing Plan

Before the issuance of any demolition or grading permits (whichever comes first) for each of the three construction phases, the project applicant shall be required to complete subsurface testing to determine the extent of possible cultural resources on-site. Subsurface testing shall be completed by a qualified archaeologist based on an approved Archaeological Testing Plan prepared and submitted to the Director of the City of San José Department of Planning, Building and Code Enforcement, or the Director’s designee, for review and approval. The Testing Plan shall include, at a minimum:

- Identification of the property types of the expected archaeological resource(s) that could be affected by construction;
- The testing method to be used (hand excavation, coring, and/or mechanical trenching);
- The locations recommended for testing; and
- A written report of the findings.

The purpose of the archaeological testing program shall be to determine the presence or absence of archaeological resources to the extent possible and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

Mitigation Measure CU-8c: Archaeological Evaluation

The project applicant shall ensure that all prehistoric and historic-era materials and features identified during testing are evaluated by a qualified archaeologist based on

California Register of Historical Resources criteria and consistent with the approved Archaeological Testing Plan. Based on the findings of the subsurface testing, a qualified archaeologist shall prepare an Archaeological Resources Treatment Plan addressing archaeological resources, in accordance with Mitigation Measure CU-8d, Archaeological Resources Treatment Plan.

Mitigation Measure CU-8d: Archaeological Resources Treatment Plan

The project applicant shall submit the Archaeological Resources Treatment Plan to the Director of the City of San José Department of Planning, Building and Code Enforcement, or the Director’s designee, for review and approval before the issuance of any demolition and grading permits. The treatment plan shall contain the following elements, at a minimum:

- Identification of the scope of work and range of subsurface effects (with a location map and development plan), including requirements for preliminary field investigations;
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information);
- Detailed field strategy used to record, recover, or avoid the finds and address research goals;
- Analytical methods;
- Report structure and outline of document contents;
- Disposition of the artifacts; and
- Appendices: Site records, correspondence, and consultation with Native Americans and other interested parties.

The project applicant shall implement the approved Archaeological Treatment Plan before the issuance of any demolition or grading permits. After completion of the fieldwork, all artifacts shall be cataloged in accordance with 36 CFR Part 79, and the State of California’s *Guidelines for the Curation of Archeological Collections*. The qualified archaeologist shall complete and submit the appropriate forms documenting the findings with the Northwest Information Center of the California Historical Resources Information System at Sonoma State University.

Significance after Mitigation: Less than significant.

Human Remains

Impact CU-9: The proposed project would disturb human remains, including those interred outside of formal cemeteries. (*Less than Significant with Mitigation*)

Based on known conditions and previous archaeological research, human burials are present in the project vicinity, and the potential exists for the discovery of human remains during construction activities that involve ground disturbance. Disturbance of human remains would be a significant impact; however, implementing the City’s SCA CR-2, Human Remains, for the inadvertent discovery of human remains would ensure that impacts on human remains would be

less than significant, by requiring that in the event of an inadvertent discovery of human remains, the legal procedures are followed, including contacting the county coroner. In addition, Mitigation Measure CU-8a (refer to Impact CU-8) would ensure that all construction personnel would attend a mandatory pre-project cultural resources awareness training.

With implementation of Mitigation Measure CU-8a and the required SCA CR-2 for the inadvertent discovery of human remains, impacts on human remains would be **less than significant**.

Mitigation Measure

Mitigation Measure CU-8a: Cultural Resources Awareness Training (refer to Impact CU-8)

Tribal Cultural Resources

Impact CU-10: The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074. (*Less than Significant with Mitigation*)

CEQA requires the lead agency to consider the effects of a project on tribal cultural resources. As defined in PRC Section 21074, tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed, or determined to be eligible for listing, in the national, state, or local register of historical resources.

To mitigate impacts on tribal cultural resources, PRC Section 21084.3 provides the following:

- (a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.
- (b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:
 - (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) Protecting the cultural character and integrity of the resource.
 - (B) Protecting the traditional use of the resource.
 - (C) Protecting the confidentiality of the resource.
 - (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

(4) Protecting the resource.

On October 7, 2019, Environmental Science Associates sent a letter to the NAHC requesting a search of the NAHC's Sacred Lands File and a list of Native American representatives who may have interest in the proposed project. The NAHC replied by email on October 10, 2019, indicating that the Sacred Lands File has records of sacred sites and tribal cultural resources in the vicinity of the proposed project. The NAHC recommended contacting the Ohlone Indian Tribe and other Native American representatives included on the provided contact list.

On October 23, 2019, the City sent letters to Native American tribes that have requested consultation according to the procedures outlined in PRC Section 21080.3.1(b) and California Government Code Section 65351. The letters provided a description of the project, a map showing the project site, and an invitation to respond to a request for consultation within 30 days (as required by PRC Section 21080.3.1(d)) and 90 days (as required by California Government Code Section 65352.3). No responses have been received, and consultation under PRC Section 21080.3.1(b) and California Government Code Section 65352.3 is considered complete.

Based on a review of site distribution and the environmental context, the proposed project has a high potential to uncover previously undiscovered archaeological resources, that could also be considered tribal cultural resources. However, the project would implement the required SCA for the inadvertent discovery of human remains (refer to Impact CU-9). Implementing Mitigation Measures CU-5a, Cultural Resources Awareness Training; CU-5b, Archaeological Testing Plan; CU-5c, Archaeological Evaluation; and CU-5d, Archaeological Treatment Plan, as described above (refer to Impact CU-8), would reduce impacts on tribal cultural resources by requiring that archaeological resources be treated appropriately in consultation with a Native American representative. In addition, SCA CR-1, Subsurface Cultural Resources, would ensure that work would halt in the vicinity of a find until it is evaluated by a Secretary of the Interior-qualified archaeologist who would make additional recommendations including contacting the appropriate Native American tribe(s), as warranted. With implementation of these mitigation measures, this impact would be **less than significant with mitigation incorporated**.

Mitigation Measures

Mitigation Measure CU-8a: Cultural Resources Awareness Training (refer to Impact CU-8)

Mitigation Measure CU-8b: Archaeological Testing Plan (refer to Impact CU-8)

Mitigation Measure CU-8c: Archaeological Evaluation (refer to Impact CU-8)

Mitigation Measure CU-8d: Archaeological Treatment Plan (refer to Impact CU-8)

Significance after Mitigation: Less than significant.

Cumulative Impacts

The geographic scope for cumulative effects on cultural resources and tribal cultural resources includes the immediate vicinity of locations where the project could disturb unique archaeological resources, human remains, and/or tribal cultural resources. The geographic scope for cumulative effects on historic architectural resources includes downtown San José and the DSAP area.

Impact C-CU-1: The proposed project would make a cumulatively considerable contribution to previously identified significant cumulative adverse impacts on Downtown historical resources as defined in CEQA Guidelines Section 15064.5. (*Significant and Unavoidable*)

The DSAP Final EIR concluded that implementation of the DSAP “has the potential to contribute to cumulative impacts to historic resources at the City level.”¹³² The analysis recognized that “downtown San Jose has the highest concentration of historic era buildings in the City.

Construction of SR 87 and I-280 and modern development have destroyed many of the 19th and early 20th century homes in the Plan area . . .”¹³³ Because the boundaries of the DSAP and those of the proposed project substantially overlap, these conclusions can be equally applied to the project, which would itself result in significant and unavoidable impacts on historic architectural resources.

Several other developments in the vicinity of the project site are in various stages of review or construction. Each looked at the potential for impacts to historic resources from downtown San Jose west to the railroad tracks. While some of these projects were not found to have a significant impact on historic resources, they cumulatively contribute to the changing character of the historically low-scale, mixed use neighborhoods between downtown San Jose and the railroad tracks. For that reason, they are presented here for consideration in combination with the Downtown West project.

- **440 West Julian Street**—Known as the Platform 16 project, the site is currently under construction to include 1.1 million sf of office space spread over three six-story buildings on a 5.45-acre site on the block bounded by the Union Pacific Railroad tracks to the north, Autumn Parkway to the east, West Julian Street to the south, and North Autumn Street to the west. This project would be visible to those resources located along North Autumn and North Montgomery Streets. The project was determined to have a less-than-significant impact on 237 North Autumn Street (Dennis Residence). No other historic architectural resources were identified or analyzed. While this project was not found to have a significant impact on historic resources, it does contribute to the changing character of the historically low-scale, mixed use neighborhoods between downtown San Jose and the railroad tracks. For that reason, it is presented here for consideration of cumulative impacts on historic architectural resources.
- **374 West Santa Clara Street**—Already permitted work for this address includes hazardous materials removal from the historic San Jose Water Works building, demolition of non-contributing additions to the building, and rehabilitation of the historic resource (1934/1940 building and 1913 transformer building). This site has been incorporated into the proposed Downtown West project, and the impacts from

¹³² City of San José, *Diridon Station Area Plan Integrated Final Program Environmental Impact Report*, State Clearinghouse No. 2011092022, August 2014, p. 223.

¹³³ City of San José, *Diridon Station Area Plan Integrated Final Program Environmental Impact Report*, State Clearinghouse No. 2011092022, August 2014, p. 223.

development of this site are considered as part of this project; however, because previously approved work on the site is already under way, it is identified in this cumulative impact assessment. As originally approved, the project was determined to have impacts that were less than significant with mitigation with regard to historic architectural resources, specifically the San Jose Water Works building.

- **VTA's Bay Area Rapid Transit (BART) Silicon Valley Phase II Extension Project**—This project includes underground work (tunneling and excavation) and surface improvements to facilitate access to a 6-mile extension of the BART line from the Berryessa Station to the Santa Clara Caltrain station. This report concluded that potential direct and indirect impacts on historic architectural resources would be less than significant (no direct or indirect adverse effects).
- **Diridon Integrated Station Concept Plan (DISC)**—This plan is currently in development and proposes reconfiguration of a large portion of the current Southern Pacific Depot Historic District. This includes the potential demolition of or modifications to the primary station building and other contributing elements to the Southern Pacific Depot Historic District. Depending on the final plan that is ultimately adopted, the DISC could result in direct significant impacts on the historic resource.
- **High-Speed Rail San Jose to Merced Project Section**—The Southern Pacific Depot historic district is a central component that connects two sections of the High Speed Rail (HSR) project: San Francisco to San Jose and San Jose to Merced. The project-level EIR/EIS for the San Jose to Merced line concluded there would be significant impacts to the historic district under all alternatives. Alternatives 1, 2, and 3 would reuse Diridon Station but would demolish the fence, iron gate, butterfly sheds, car cleaner's shack, and train tracks. These alternatives also include the introduction of new buildings and features within the district including a new depot building, aerial tracks, and viaduct structure. Alternative 4 would retain the pedestrian concourse and eliminate the proposed viaduct but would remove other features as noted for Alternatives 1–3. All would result in a significant and unavoidable impact on the integrity of the resource. While mitigation measures are identified, they would not reduce the impacts to a less-than-significant level.

Realignment of the tracks included in all alternatives for this section of the HSR project would result in varying degrees of demolition of 145 South Montgomery Street (APN 261-35-027, Sunlite Bakery). Alternatives 1, 2, and 3 include total demolition of the building. Alternative 4 includes demolition of the rear 50 feet of the building where it faces the railroad tracks. Alternatives 1, 2, and 3 would result in a significant and unavoidable impact. Identified mitigation measures would not reduce impacts to less than significant. Alternative 4 would result in a less-than-significant impact on the historic resource and would require no further mitigation for that site.

- **DSAP Amendment and Lots A, B, and C Replacement Parking**—With the proposed amendment to the DSAP, there would likely be additional development in the area that could affect historic architectural resources, although individual projects and their site-specific impacts are unknown at this time and would be subject to policies in the DSAP, as amended. Also, project-related development of the surface parking lots around the SAP Center (commonly known as Lots A, B, and C) would require amending the Arena Management Plan between the City and San Jose Arena Management, LLC (San Jose Sharks) to allow replacement parking to be provided in another location, which may require construction of additional parking facilities adjacent to the project area. No specific site or parking space replacement plan has been developed, but one option under discussion includes parcels located within the architectural resource study area. The

“Lot E” option would redevelop a number of parcels at the southern end of the block bounded by West Julian Street (north), North Autumn Street (east), West St. John Street (south), and North Montgomery Street (west). This block currently contains a mix of residential and light industrial uses, and includes five historic architectural resources: 237 North Autumn Street (Dennis Residence); 203, 199, and 195 North Autumn Street; and 160 North Montgomery Street. Development of Lot E for Lots A, B, and C replacement parking may require relocation or demolition of one or more of these historic architectural resources. Thus, although any future development of Lot E remains speculative, demolition and/or relocation to facilitate development of Lot E would have the potential to result in a significant and unavoidable impact on historic resources.

Another option under discussion would develop parking on the Milligan Site, a group of parcels at the south end of the block bounded by West Julian Street (north), the Guadalupe River (east), West St. John Street (south), and North Autumn Street (west). This block currently contains a mix of residential and light industrial uses. Immediately north of the Milligan Site is a grouping of early 20th century residences centered on Autumn Court. Several of these residences are listed on the HRI as Structures of Merit or Identified Structures/Sites.¹³⁴ The site itself includes 447 West St. John Street (Forman’s Arena), a building determined eligible for listing on the National and California Registers under Criteria A/1 and B/1.¹³⁵ Development of the Milligan Site for Lots A, B, and C replacement parking could result in the demolition and/or relocation of this historic architectural resource. Thus, demolition and/or relocation to facilitate development of the Milligan Site has the potential to result in a significant and unavoidable impact on historic resources.

- **CityView Plaza**—This recently approved (June 2020) project is located in downtown San José on the block bounded by Almaden Boulevard, Park Avenue, Market Street, and West San Fernando Street. The project includes construction of 3.5 million sf of new office space and 65,000 sf of new ground-floor retail in three 19-story buildings with a maximum height of 293 feet. To facilitate development, Park Center Plaza (eligible for listing as a historic district on the California Register under Criterion 1, Candidate City Landmark District) will be demolished. Park Center Plaza includes the Wells Fargo Building (individually eligible for the California Register under Criterion 3, Candidate City Landmark); the Bank of America Building (individually eligible for the California Register under Criterion 3, Candidate City Landmark); the United California Bank/Morton’s Steakhouse building (individually eligible for the California Register under Criterion 3, Candidate City Landmark); and the Bank of California/Sumitomo Bank Building (individually eligible for the California Register under Criterion 3, Candidate City Landmark). The CityView Plaza EIR (2020) concluded that the project would both result in a significant and unavoidable impact on individual historic resources and make a cumulatively considerable impact to a citywide cumulative impact on historic resources. Both impacts stem from the demolition of the above-noted historic resources.

The proposed project includes demolition of five historic architectural resources: the grouping of buildings at 559, 563, and 567 West Julian Street; 343 North Montgomery Street (Advance Metal Spinning); 345 North Montgomery Street (Circus Ice Cream); 580 Lorraine Avenue; and 145 South Montgomery Street (Sunlite Baking Co.) No grouping of historic architectural resources within the project site constitutes a historic district and none of the resources individually

¹³⁴ City of San José, *Coleman Avenue / Autumn Street Improvement Project, Final Integrated Focused EIR*, January 2008. This document does not go so far as to evaluate the grouping as a district.

¹³⁵ City of San José, *Coleman Avenue / Autumn Street Improvement Project, Final Integrated Focused EIR*, January 2008. This document does not go so far as to evaluate the grouping as a district.

contributes to a historic district. However, all individually contribute to the late-19th- and early-20th-century architectural setting of the project site.

Individually, demolition of the resources is considered a significant and unavoidable impact. The loss of these individual resources would alter the character of the area and diminish the number and variety of historic architectural resources within Downtown San José. This is the type of change that is constituted in the findings of at least three recent EIRs. The Downtown Strategy 2040 Final EIR concluded that “[b]ased on the number of historic [architectural] resources that have been lost within the Downtown (and the city in general) and the potential for remaining historic buildings to be replaced or otherwise adversely effected, the proposed project could make a substantial contribution to the significant impacts previously identified in the Downtown Strategy 2000” (Impact C-CU-1). Similar findings are stated in the DSAP Final EIR (Impact CU-1).

In addition, the proposed project would result in a significant and unavoidable impact on 150 South Montgomery Street (Hellwig Ironworks) as a result of additions and modifications to the building that could be as large as 8,500 sf and alter the character-defining features of the resource.

As noted above, demolition of historic architectural resources cannot be mitigated to a less-than-significant level, and anticipated changes to 150 South Montgomery Street may significantly affect the ability of the resource to convey its historical significance. These significant and unavoidable project impacts would reduce the variety and quantity of 19th- and early-20th-century historic resources in the city of San José. As a result, the project’s contribution to the previously identified significant impact on historic resources in Downtown would be cumulatively considerable. Therefore, the project, in combination with past, present, and projects anticipated in the foreseeable future, would result in a significant cumulative impact on historic resources in Downtown. Implementing Mitigation Measures CU-1a through CU-1d would reduce but not eliminate the significant and unavoidable impact associated with the demolition of 559, 563, and 567 West Julian Street, 343 North Montgomery Street (Advance Metal Spinning), 345 North Montgomery Street (Circus Ice Cream), 580 Lorraine Avenue, and 145 South Montgomery Street (Sunlite Baking Co.). Nor would implementation of Mitigation Measures CU-1a, CU-1c, or CU-1d reduce the significant and unavoidable impact associated with modifications and additions to 150 South Montgomery Street (Hellwig Ironworks) to a less-than-significant level. Therefore, the project would result in a **significant and unavoidable** impact.

Mitigation Measures

Mitigation Measure CU-1a: Documentation (refer to Impacts CU-1 and CU-3)

Mitigation Measure CU-1b: Relocation (refer to Impact CU-1)

Mitigation Measure CU-1c: Interpretation/Commemoration (refer to Impacts CU-1 and CU-3)

Mitigation Measure CU-1d: Salvage (refer to Impacts CU-1 and CU-3)

Significance after Mitigation: Significant and unavoidable.

Impact C-CU-2: The proposed project would not make a cumulatively considerable contribution to previously identified significant impacts on the Southern Pacific Depot Historic District. (*Less than Significant*)

The DSAP Final EIR included analysis of the cumulative impacts from potential changes associated with expansion of the station to accommodate high-speed rail, the BART Phase II Extension, and redevelopment of the adjacent blocks. The High-Speed Rail Program EIR (2008) and San Jose to Merced Project Section Draft EIR/EIS (2020) determined that the project had the potential to result in adverse impacts on the historic district and included mitigation measures to address these impacts. Project planning for station improvements (DISC) currently includes designs that would demolish or substantially alter the Southern Pacific Depot Historic District, including the central Southern Pacific Depot (Diridon Station) building.¹³⁶ The BART Environmental Impact Statement (EIS) (2010) and Phase II Extension Final Supplemental EIS/Subsequent EIR (2018) concluded that there would be no adverse impact on the historic district because alterations would occur in areas already previously modified. Therefore, BART work would not result in a significant impact on the Southern Pacific Depot Historic District. In considering the body of work represented in these studies, the DSAP Final EIR concluded that “new station elements, circulation improvements, and future development in the Central Zone could alter the historic district’s setting and feeling. New construction within and adjacent to the district could cause a substantial adverse change in the significance of the historic district.”¹³⁷

The Downtown West Mixed-Use Plan includes development of approximately 81 acres and is centered near the Southern Pacific Depot Historic District. However, with the exception of the northwest corner of Block F1, the blocks that immediately front the district along Cahill Street are not proposed for development under the project. Unlike the development projections under the DSAP EIR, no development is proposed for those blocks as part of the proposed project, thus maintaining the open space, low-scale character, and transportation-oriented setting along the majority of the primary edge (eastern edge) of the district. Development is limited to small areas of visual obscuring from the mass, height, and density of construction at the extreme north and south ends of the district (Blocks F2, D1, and C2).

For these reasons, the project would result in less-than-significant impacts on the district’s setting and character (refer to Impact CU-7), and the project’s contribution to the previously identified cumulative impact on the Southern Pacific Depot Historic District would be less than cumulatively considerable. Moreover, although the DISC and/or High-Speed Rail improvements could result in demolition of the existing Diridon Station building or otherwise result in a significant impact on the Southern Pacific Depot Historic District, these direct impacts would be of a different magnitude and nature than the project’s indirect, adjacent effects. The project would not make a considerable contribution to such a direct impact. Therefore, the project would result in a **less-than-significant cumulative** impact on the historic resource.

¹³⁶ Peninsula Corridor Joint Powers Board, *Staff Report: Update on the San Jose Diridon Integrated Station Concept Plan*, June 6, 2019.

¹³⁷ City of San José, *Diridon Station Area Plan Integrated Final Program Environmental Impact Report*, State Clearinghouse No. 2011092022, August 2014, p. 224.

Impact C-CU-3: The proposed project, in combination with past and foreseeable future projects, would not result in a cumulative adverse impact on 374 West Santa Clara Street (San Jose Water Works), a historic architectural resource as defined in CEQA Guidelines Section 15064.5. (*Less than Significant*)

The San Jose Water Works property at 374 West Santa Clara Street was determined eligible for listing in the National and California Registers under Criterion A/1 (Events and Trends) for its association with water utility development in San José and regionally, and under Criterion C/3 (Architecture) for its combined use of Moderne and Spanish Colonial Revival architectural styles. This eligibility was first determined by Woodruff Minor and Basin Research Associates in 1999, verified by Ward Hill and Basin Research Associates in 2003, and again verified by ARG in 2019. The 1989 assessment concluded that there were two contributing buildings and two non-contributing buildings on the property. The boundaries of the nominated resource are listed as “that portion of the block containing the San Jose Water Works Building and associated buildings and structures (APN 259-38-128).”¹³⁸ This documentation explains there was considerable change to the site in the 1980s when much of the supporting infrastructure (shops and sheds) and “non-company” buildings were demolished. In their place, landscaping and a lawn were installed. New construction also took place to both connect existing buildings and house new functions such as data processing.

In 2003, a historic resource evaluation (HRE) was completed by Ward Hill. The HRE looked more closely at the 1989 nomination and updated the integrity evaluations, adding greater clarity regarding the conditions and qualities of those remaining elements that contributed to the historical significance of the resource. The 2003 report identified the primary resource as the main office building at 374 West Santa Clara Street, with the 1913 transformer house named as a contributing element to the primary historic resource. All other buildings on the property were evaluated and determined to be non-contributing and non-historic.

Based on the results of the 2003 HRE, the 2004 SJW Land Company Planned Development Rezoning Final Integrated EIR and the 2016 Delmas Avenue Mixed Use Development Final EIR Addendum concluded that the impacts on 374 West Santa Clara Street as a result of demolition of non-historic buildings and construction on the adjacent property would be less than significant with implementation of design guidelines and adherence to the *Secretary of the Interior’s Standards and Guidelines for Rehabilitation*. The City of San José issued a building permit in March 2020 for removal of these non-historic portions of the building (data processing center and pump house) in accordance with Historic Preservation Permit HP-002 and Historic Preservation Permit Adjustment HPAD20-007 (extension of permit expiration).

Historic Preservation Permit Adjustment HPAD20-006 was issued in August 2020 for the rehabilitation of the main building and changes to the openings at both the west and south elevations in compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Buildings.

¹³⁸ Minor, W. C., Basin Research Associates, *National Register of Historic Places Registration Form: San Jose Water Works Building*, September 1989, p. 8-5.

The proposed project includes modification to the City Landmark designation boundaries from the entire 1-acre parcel to that portion currently occupied by the main building and relocated transformer building (Figure 3.3-5). These modifications would not remove any regulatory protections for the historic resource and would not directly or indirectly affect the historic integrity of the resource. In addition, development on Block E1 would conform to the proposed Downtown West Design Standards and Guidelines, which contain standards related to setbacks, views, and design of new construction, resulting in a less-than-significant impact on the setting of the historic resource.

The project also proposes development in the area immediately west and south of the City Landmark. The block closest to the resource, Block E1, would be developed with an office tower up to 230 feet in height. Project-specific design standards require this development to maintain a minimum separation of 40 feet from the south and west elevations of the resource, as well as design modifications to new construction to create compatibility of design and reduce impacts. As discussed above under Impact CU-6, implementation of the Downtown West Design Standards and Guidelines would reduce impacts on the historic resource to a less-than-significant level.

Because neither the proposed landmark boundary modifications or the adjacent development included in the current project would affect the significance of the historic resource, and because modifications to the Landmark approved previously would confirm with the Secretary of the Interior's standards, and no other development is reasonably foreseeable in the vicinity that could affect the significance of the resource (reference Figure 3-1, *Cumulative Projects in the Project Vicinity*), and any new development that did occur in the vicinity would be required to conform with the Downtown Design Guidelines, there would not be a significant cumulative impact on the historical significance of this resource. This cumulative impact would be **less than significant**.

Impact C-CU-4: The proposed project would combine with other projects to result in significant cumulative effects on archaeological resources as defined in CEQA Guidelines Section 15064.5; human remains, including those interred outside of formal cemeteries; and tribal cultural resources as defined in Public Resources Code Section 21074. (*Less than Significant with Mitigation*)

Similar to the proposed project, cumulative projects in the project vicinity could have a significant impact on buried prehistoric and historic-era archaeological resources, including human remains interred outside of formal cemeteries, during ground-disturbing activities. The potential impacts of the proposed project, when considered together with similar impacts from other probable future projects in the vicinity, could result in a **significant** cumulative impact on buried archaeological resources or human remains (including resources determined to be tribal cultural resources).

However, the proposed project would implement the required SCA for the inadvertent discovery of human remains. In addition, implementation of Mitigation Measures CU-8a, CU-8b, CU-8c, and CU-8d and SCAs CR-1 and CR-2 would require that archaeological resources be treated appropriately in consultation with a Native American representative. In addition, cumulative projects undergoing CEQA review would have similar types of inadvertent-discovery measures.

Therefore, with implementation of Mitigation Measures CU-8a, CU-8b, CU-8c, and CU-8d, and SCAs CR-1 and CR-2, the proposed project's contribution to cumulative impacts would not be considerable, and the impact would be **less than significant with mitigation incorporated**.

Mitigation Measures

Mitigation Measure CU-8a: Cultural Resources Awareness Training (refer to Impact CU-8)

Mitigation Measure CU-8b: Archaeological Testing Plan (refer to Impact CU-8)

Mitigation Measure CU-8c: Archaeological Evaluation (refer to Impact CU-8)

Mitigation Measure CU-8d: Archaeological Resources Treatment Plan (refer to Impact CU-8)

Significance after Mitigation: Less than significant.

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